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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
Fifty-eighth session

Summary record of the 1221st meeting
Held at the Palais des Nations, Geneva, on Thursday, 3 July 2014, at 10 a.m.

Chairperson: Ms. Ameline

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Combined second and third periodic report of Mauritania

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Any corrections to the records of this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined second and third periodic reports of Mauritania (CEDAW/C/MRT/2-3; CEDAW/C/MRT/Q/2-3 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Mauritania took places at the Committee table.*

2. **Ms. Mint Elghotob Ould Moma** (Mauritania), introducing the combined second and third periodic reports of Mauritania (CEDAW/C/MRT/2-3), said that, despite an international backdrop marked by economic instability, insecurity, massive movements of refugees organized crime and a scarcity of financial resources, her Government was making every possible effort to implement the legislative, judicial, economic, political and social measures necessary to meet its obligations under the Convention on the Elimination of All Forms of Discrimination against Women. It had made great progress in consolidating democracy and the rule of law and the efficacy of the Independent National Electoral Commission, established to guarantee free and transparent presidential, legislative and municipal elections, had been confirmed by international observers in the 2014 elections. The report under consideration was the fruit of extensive consultation between State bodies, civil society and other stakeholders and detailed the steps taken to implement the recommendations made by the Committee during its previous review of the situation in the State party.

3. Conscious of women's role in the country's ongoing development, the Government of Mauritania had incorporated a gender perspective in many of its policies. Women's issues were at the heart of a raft of cross-cutting, multidimensional programmes and strategies, including the strategic framework for poverty reduction, the national health development plan, the national strategy for the development of the private sector, the national youth development strategy and the national strategy for the modernization of public services.

4. Women were well represented in decision-making positions, accounting for 7 of the country's 30 ministers, 31 of its 148 members of parliament, 9 out of 56 senators, 6 out of 218 mayors, 1,317 out of 3,722 municipal councillors and 2 out of 40 ambassadors. Three of the most senior positions within the Ministry of Social Affairs, Children and the Family were occupied by women and the five candidates in the recent presidential elections had included one woman. Affirmative action measures were in place to facilitate women's access to other professions, including journalism and the judiciary, to increase the availability of scholarships for women, and to harmonize conditions of employment for women with those of men.

5. Women were also increasingly well represented in the media, occupying senior positions in public and private television. More generally, the liberalization of the broadcasting sector was enabling them to make their voices heard, bring the debate on family issues under the spotlight, and contribute to the construction of a more progressive society.

6. The legal framework for the protection of human rights had been enhanced by various pieces of legislation. Important new laws that benefited women included: the 2007 law against AIDS, which consolidated the non-discrimination provisions established in the Civil Status Act; the 2012 law which had amended the 1991 Constitution to enshrine the principle of equal access and equal opportunities and to align the National Human Rights Commission with the Paris Principles, among other provisions; the 2013 law which defined

slavery and torture as crimes against humanity; and the 2012 law on electoral lists which was designed to bring more women into elective office.

7. The fight against gender-based violence, which had been a taboo subject until 2004, had been elevated to the top of the Government agenda, through its accession to relevant international treaties and establishment of appropriate mechanisms. A national commission had been established to coordinate and oversee the preventive effort with support from regional and departmental committees and a network of specialized NGOs. A set of standard operating procedures for preventing and responding to sexual and gender-based violence, developed in conjunction with civil society, had been adopted in 2010; the National Statistics Office had conducted a baseline survey on violence against women to gauge the scale of the problem in 2012; a framework law to combat all forms of violence against women and girls, including female genital mutilation, was due to be adopted by the end of 2014; and a national action plan for 2014–2018 was under implementation. Two fatwas calling for an end to female genital mutilation had been promulgated and training in preventive strategies was being provided to religious leaders in areas where such practices were particularly prevalent.

8. Government efforts to give women greater autonomy included a drive to increase access to finance and a dedicated fund had been set up to provide microcredits for vulnerable families in rural areas. Efforts were also being made to improve access to education, health care and drinking water. As a result, the secondary school enrolment rate for girls had reached almost 30 per cent, health-care coverage had risen to 74 per cent within a five kilometre radius, the assisted birth rate was 77 per cent and, 58 per cent of the population had access to better quality water. Regional and local governance structures were being enhanced to further the process of decentralization that was fostering the integration, skills sharing, resource rationalization and budget and management efficiency necessary to continuing advances in all those areas.

9. The Government had taken the decision to withdraw the general reservation entered to the Convention and to replace it with specific reservations to article 13, subparagraph (a), and article 16.

Articles 1 to 3

10. **Ms. Nwankwo**, noting that the State party had assumed various commitments related to the Convention and other international treaties as a result of the universal periodic review process in 2011, asked what was being done to deliver on those commitments. In particular, she would like an update on progress towards fulfilling the recommendations to ratify the optional protocols to the Convention and other United Nations human rights treaties; to adopt a law prohibiting harmful practices, including female genital mutilation, polygamy, early marriage and forced feeding; and to draft and implement a national action plan to combat all forms of violence against women. She welcomed the withdrawal of the general reservation to the Convention but urged the State party to reconsider its decision to introduce specific reservations in its place.

11. Referring to paragraph 14 of the Committee's concluding comments on the initial report of Mauritania (CEDAW/C/MRT/CO/1), she asked whether a definition of discrimination against women that was in line with article 1 of the Convention had been incorporated in national legislation. Referring to the obligations that States parties assumed under article 2 of the Convention, and noting that the Code of Obligations and Contracts was apparently undergoing substantive review to align it with international standards, she sought assurance that the provisions stipulating that the testimony of two women was equal to that of one man and that women's status was equivalent to that of a minor would be removed. She would also like assurance that the legal provision which gave the courts' discretion to decide whether or not children had suffered harm as a result of genital

interference and made the perpetrators' sentence subject to that decision would also be eliminated.

12. **Ms. Zou** Xiaoqiao noted that the State party had failed to provide information on its efforts to fulfil the recommendations made in relation to the national machinery for the advancement of women in the Committee's previous concluding comments. She was concerned that the 2007 decision to establish the Ministry of Social Affairs, Children and the Family to assume the role of the former Ministry for the Promotion of Women, the Child and the Family might have had an adverse affect on the State party's capacity to coordinate and implement policies for the empowerment of women and that the new ministry might lack the requisite authority, visibility and resources. She would like to know what percentage of the new ministry's budget was allocated to women's rights and gender equality; whether the ministry had a specific unit dedicated to women's issues; and, if so, how many staff worked in that unit. Noting also that, according to the State party's replies to the list of issues (CEDAW/C/MRT/Q/2-3/Add.1), women's empowerment was the responsibility of various ministries, she asked how many ministries were involved, how the responsibility was shared between them and how their respective activities were coordinated. In her view, a discrete ministry dedicated to gender equality and women's empowerment would enhance the national machinery.

13. She would like to know more about the content of the national strategy for the advancement of women adopted in 2005 and the national gender mainstreaming strategy adopted in 2008, and whether the strategies had been, or would be, updated. If they had, she would like to know whether the new versions gave specific consideration to the situation of marginalized groups of women such as former slaves, the descendents of slaves, women of Arabic descent and women with disabilities; whether the effectiveness of the initial versions had been duly assessed; and, if so, what evaluation mechanisms had been used. Details of steps taken to mainstream gender issues in other national policies and strategies and to ensure the availability of gender-disaggregated data to support all areas and issues covered by the Convention would also be appreciated.

14. **Ms. Mint Boide** (Mauritania) said that violence against women, including female genital mutilation, was a global problem that was inextricably linked to religion. Since laws prohibiting such violent practices had been adopted in many nations but had failed to engender substantive change, the Government of Mauritania had opted to take a holistic approach that favoured voluntary abandonment and sought to engage civil society and religious leaders in the preventive effort. Specific measures adopted since 2007 had included implementation of the standard operating procedures and the national action plan to combat all forms of violence against women. The baseline survey on violence against women had revealed that almost 15 per cent of the female population had been exposed to sexual violence and around two thirds had suffered psychological violence.

15. The issuance of the fatwas calling for an end to female genital mutilation had been an especially prominent advance, with the potential to foster change at the supranational as well as national level. Awareness-raising campaigns were ongoing in the seven regions of Mauritania with the highest prevalence of female genital mutilation and had already contributed to a marked reduction. The Government's commitment to fighting violence against women had also been demonstrated in its support for a film documenting the nature and scale of gender-based violence in Mauritania which had been produced and broadcast by the British Broadcasting Corporation (BBC) in 2008.

16. **Mr. Ould Ramdane** (Mauritania) said that protection against female genital mutilation was already provided through article 12 of the 2005 ordinance on the judicial protection of children but that the framework law due to be adopted by the end of 2014 would address all forms of physical, sexual and psychological violence in an integrated and comprehensive manner. The law would encompass prevention, protection, victim support,

jurisdictional matters and judicial procedures as well as penalties for perpetrators and strategies against recidivism. The draft under consideration was the fruit of a consultative process that had involved civil society and parliamentarians and incorporated all the principles covered by the Convention, including its definition of discrimination.

17. **Ms. Mint Boide** (Mauritania) said that the Ministry of Social Affairs, Children and the Family coordinated all matters relating to women's rights. Its budget was currently five times larger than in 2007 and sufficient to fulfil its mandate. The Ministry consisted of several departments specializing in particular issues, such as the advancement of women and female genital mutilation, and was supported by mechanisms like the National Children's Council, and the National Committee against Gender-based Violence. Mechanisms had also been established to increase the visibility of gender issues at the highest level, such as sectoral offices, presided over by high-ranking officials, which ensured that all relevant information was reported to the Ministry. Databases had been created with information on gender issues, women's cooperatives and the role of women in politics and administration and employment, while a gender profile was due to be introduced to analyse and prioritize gender disparities across the country by sector and region.

18. **Ms. Mint Elghotob Ould Moma** (Mauritania) added that the department specifically dealing with women's issues had a number of sections responsible for promoting the role of women: the social services section focused on the social dimension and the concerns of the family and included six people directly responsible for women's rights. Other social issues, such as women with disabilities, women with specific needs and female-headed households, also came under the section's purview, thereby ensuring centralized attention to cross-cutting issues. The finance section promoted microcredit as a form of special assistance to female-headed households and women's cooperatives.

19. **Ms. Nwankwo** drew the delegation's attention to her earlier questions, which had not yet been answered, on the definition of discrimination, the ratification of the Optional Protocol and the review of the Code of Obligations and Contracts. She also asked whether the Government had plans to establish a specific ministry responsible for women's empowerment, because assigning women's empowerment to various departments was as ineffective as assigning it to none.

20. **Ms. Zou** Xiaoqiao asked what percentage of the budget of the Ministry of Social Affairs, Children and the Family was allocated to gender equality and women's rights; whether there was a department working specifically on those two areas; and, if so, how many staff members it contained.

21. **The Chairperson**, speaking in her capacity as an expert, asked whether there was good harmonization between Islamic, positive and common law, since it was difficult to create a body of laws which encompassed all three systems. Furthermore, given the level of cultural diversity in Mauritania, she asked what progress had been made in assisting minorities.

22. **Mr. Ould Ramdane** (Mauritania) said that a bill had been drafted laying down specific penalties for discrimination in all its forms, in complement to the many core laws which already existed in that area. The definition of discrimination had been elaborated in cooperation with international partners and Mauritania had sought to build on the broad definition in the Convention by making it specific enough to leave it to the discretion of judges to establish whether an action constituted discrimination. Under recent Criminal Code reforms, the power to impose penalties in such cases had been placed specifically in the hands of female judges. The country had a pyramid-based legal system: at the base were traditional methods of access to justice involving local advisers representing the justice system, who could produce no formal acts except a statement of the advice given. Judges

stood at a higher level, responsible for issuing judgements and executive decisions, and that power was also passed down to all magistrates. Even if women lacked financial resources, under the law no woman could appear before a judge unless represented by a lawyer. Legal assistance could be provided by a lawyer paid for through legal aid; pro bono lawyers; through a project to promote access to lawyers in remote areas of the country; or via an official fund for lawyers.

23. **Ms. Mint Elghotob Ould Moma** (Mauritania) said that a unit had been established to focus support on issues relating to the family and domestic violence. Should it prove impossible to settle a conflict amicably, the case was referred to women's tribunals which applied family law and the laws on domestic violence. Although she could not rule out the possibility of establishing a ministry responsible for women's empowerment, she questioned the benefits of such a body as the issues handled by the Ministry of Social Affairs, Children and the Family were often inextricably linked to women's rights. One of its five departments was specifically focused on women's issues and the main beneficiaries of the work of all five departments were women.

24. **Mr. Ould Abdel Malick** (Mauritania) said that Mauritania had acceded to the majority of international treaties related to women's rights and had removed its general reservation to all parts of the Convention which were contrary to the sharia. In Mauritania, personal status law and certain aspects of criminal law were derived from Islamic law; while other aspects of criminal law were derived from positive law via the French legal system. Under the country's monist system, the Convention took precedence over national law and was applied directly. The national legal system contained no provisions which were discriminatory against women, as all women were equal in the eyes of the law. The testimony of two women was indeed established to be equal to that of one man under national law.

25. **Mr. Ould Ely Telmoudy** (Mauritania) said that the Ministry of Social Affairs, Children and the Family had a higher budget than the ministry which it had replaced. A breakdown of the exact amount spent on women was difficult, however, since it was not possible to establish what proportion of certain subsidies, such as those for persons with disabilities, were received by women. Nevertheless, given that all general establishments catered for women, including the centre for the advancement of women and the early childhood training centre, he estimated that women benefited from at least 60 per cent of the operating budget.

Articles 4 to 6

26. **Ms. Pomeranzi**, recalling the Committee's recommendation on temporary special measures in its concluding comments of 2007, said that it was encouraging that more women had been elected in recent elections, but that future temporary special measures should be focused on substantive equality for women. She suggested that the current critical mass of women in politics could breathe new life into investigations of the condition of women in Mauritania and contribute to large-scale cultural campaigns and political action that would transform the country's vision of the role of women.

27. **Ms. Hayashi**, following up on Ms. Nwankwo's question about the bill on violence against women, asked: whether it had been enacted, and if not, when that would happen; how it defined rape; and whether it included specific provisions encouraging victims to report acts of violence, on remedies for victims and on capacity building for law-enforcement officers and health and legal professionals. She questioned the effectiveness of the 2005 act criminalizing female genital mutilation given that penalties were applicable only if the mutilation had resulted in harm to the child. She also asked whether the 2014 updated act had been approved and whether it provided measures supporting practitioners of female genital mutilation. She requested information on measures to prevent the forced

feeding of girls and asked whether there were specific programmes to harness the media against forced feeding and female genital mutilation. She also would like to know whether the Government planned to conduct a national survey and create a database on victims of slavery so that special measures could be granted to female victims. Lastly, she requested statistics on the number of women who had benefited from pro bono legal aid and asked what measures had been implemented to help female victims of violence to access formal justice systems rather than traditional ones.

28. **Ms. Gabr** asked what progress had been made to comply with the recommendation made by the Committee in its concluding comments of 2007 that the State party should implement its 2003 legislation on the suppression of trafficking and on the prohibition of forced labour. NGOs had continued to report cases of slavery — few of which had been brought to court — and Mauritania still appeared to be a hub for trafficking and forced labour. She requested further details on the statement in the State party's replies that the Government intended to revise the legislation to prohibit all forms of trafficking: had studies on trafficking been carried out? Had national and cross-border coordination been improved? Had consideration been given to adopting the Ouagadougou Action Plan to Combat Trafficking in Human Beings, Especially Women and Children or relevant League of Arab States strategies? She recommended that the State party should: strengthen the application of the relevant legislation; improve regional cooperation; conduct studies on the matter; carry out a legislative survey; implement measures to reduce demand for forced labour; draw up a national action plan; and secure sufficient resources, if necessary through the International Organization for Migration or UN-Women.

29. **Ms. Leinarte** said that, instead of criminalizing prostitution, structural causes behind prostitution should be addressed, such as access to the labour market and to financial resources. After all, in Mauritania, some 78.8 per cent of women were working without pay and the average salary was 60 per cent lower than that of men. Under the Personal Status Code, women were currently under the exclusive leadership of men, and in society they were taught to submit to all men, which would include sex demanders and pimps. She advised the Government to decriminalize prostitution, which was not the same as legalizing it, and to seek other means of discouraging women from engaging in prostitution, such as psychological and social assistance and information campaigns for young girls. If decriminalization had never been considered before in Mauritania, what had prevented it?

30. **Ms. Mint Elghotob Ould Moma** (Mauritania) said that the authorities were trying to achieve the Millennium Development Goal target of 30 per cent women in decision-making bodies. Women were now eligible to run for election, vote and participate in decision-making and were thus obtaining high-level posts far more frequently. Although female genital mutilation had often been a taboo subject in the past, the Government was committed to raising awareness through audiovisual and printed media campaigns, publications and research. Islamic scholars were also helping attitudes to change.

31. **Mr. Ould Ramdane** (Mauritania) said that article 309 of the Criminal Code did not define rape, but did stipulate what sanctions would be applicable; moreover, sharia law was clear that rape meant sexual relations without consent. The bill on violence against women included a clear definition of rape and its different forms.

32. Article 12 of the 2005 ordinance on judicial protection of children stated that any interference, or attempted interference, with the genital organ of a girl child, including using an object as part of a harmful practice, was a punishable offence. The second part of article 12 provided for compensation to be granted to the victim, although damages were not mentioned because they were dealt with by the civil courts.

33. Sharia law punished attempts to undermine the dignity and integrity of a human being, and women in particular. Prostitution was considered to be a form of exploitation of women, who were seen as victims, and the law targeted pimps and other persons exploiting women through prostitution.

34. Trafficking in persons was just the tip of the iceberg in transnational organized crime, which was prevalent in Mauritania, as its geographical position made it a gateway to Europe. In collaboration with European partners, Mauritania had developed a national action plan to manage migration and combat human trafficking. It was based on three pillars: registering, protecting and including refugees and migrants in development plans. If migration was well managed, it was beneficial to both migrants and countries of origin, transit and destination. Legislation had been adopted in 2010 to combat illegal trafficking in migrants, focusing on targeting trafficking networks. Illegal migrants were not prosecuted in Mauritania because they were considered to be victims and might be able to provide useful information that would lead to the arrest of trafficking network organizers. Mauritanian agents were also infiltrating networks and the country was cooperating with organizations such as the Organisation for Economic Co-operation and Development and INTERPOL in their endeavours to combat trafficking.

35. **Ms. Mint Boide** (Mauritania) said that forced feeding was a traditional practice, which was on the wane because of the current fashion for women to be thin. A number of public awareness-raising campaigns had been conducted in conjunction with civil society organizations to try to combat both forced feeding and female genital mutilation.

36. **Mr. Ould Abdel Malick** (Mauritania) said that slavery was prohibited as a crime against humanity and was severely punished. Legislation adopted in 2007 set out a new definition of slavery and provided for victim compensation and assistance. Other measures adopted included setting up national agencies to combat slavery and poverty, implementing the road map developed in collaboration with the United Nations Special Rapporteur on contemporary forms of slavery and creating dedicated courts to try related offences.

37. New legislation had been adopted to clamp down on domestic work undertaken by girls and young women and prohibit hazardous work. In that connection, a number of public awareness-raising campaigns had been organized by civil society organizations.

38. **Ms. Mint Elghotob Ould Moma** (Mauritania) stressed that women in Mauritania had a more privileged status than women elsewhere in the region. They had access to the full range of services available, all professions were open to them, including the Armed Forces, and they enjoyed equal pay with men and were not subservient to men. She could see no reason why women would be forced into prostitution; it was a personal choice.

39. **Ms. Leinarte** said that women in prostitution were victims of sexual violence yet they were punished by the State. What punishments were meted out to the other parties to the crime — minders, pimps and clients — and how many had been prosecuted?

40. **Ms. Hayashi** asked when the bill on violence against women would be adopted and whether women could apply to the civil courts to seek compensation for damages and receive free legal aid for that purpose.

41. **Ms. Pomeranzi** emphasized that it was not merely the presence of women in the public sphere that would lead to greater equality, but the fact that women's issues were being raised by civil society and NGOs in public. In that way, they would become political issues discussed by the whole population, which would in turn lead to a change in attitudes. She asked what was being done at the political level, and what priority was accorded to developing policies that addressed women's issues and the advancement of women in Mauritania.

42. **The Chairperson**, speaking in her capacity as an expert, asked whether it was the National Human Rights Commission or the Ministry of Social Affairs, Children and the Family that was in charge of monitoring domestic legislation to check for provisions that might be discriminatory against women.

43. **Mr. Ould Ramdane** (Mauritania) said that civil society and NGOs helped ensure women's access to the legal system and free legal aid.

44. Prostitution was an offence and punishable by 6 months' to 5 years' imprisonment. Pimps and other persons involved in exploiting women were charged under a different category of offence, which carried a sentence from 5 years' to life imprisonment. Given that prostitution was an illegal activity, it tended to be invisible. On the rare occasions that the authorities uncovered such activity, first offenders were arrested and given a warning. Repeat offenders were given a suspended sentence and it was generally at the third appearance before a judge that a custodial sentence was handed down. Foreign offenders were often deported. A growing trend was for vulnerable women migrants en route for Spain to fall into prostitution as a means of survival when their onward journey was thwarted.

45. Women victims of violence could only apply to the criminal courts if represented by a lawyer. The costs were covered under the legal aid system if they had insufficient resources. They could also apply for compensation, in which case the judge would allow time to apply to a civil court. Legal aid was provided to cover the cost of a lawyer for all stages of the process, including the appeal stage, if necessary.

46. **Ms. Mint Elghotob Ould Moma** (Mauritania) said it was hoped that the bill on violence against women would be adopted by the end of 2014. Much was being done at the political level to protect and promote women's rights by women representatives in parliament. The National Human Rights Commission was making every effort to support women and ensure they enjoyed their rights. Civil society and NGOs also played an important role in enhancing women's status.

Articles 7 to 9

47. **Ms. Bareiro-Bobadilla** welcomed the progress made by the State party in terms of women's political participation and encouraged it to go further and aim for the recommended 30 per cent, and ultimately parity, as political representation was an important step towards achieving full equality. Political will was not enough on its own and more vigorous measures should be adopted, such as the enactment of further legislation, financial incentives for political parties to introduce quotas and temporary special measures to ensure that more women were represented at the highest level in institutions, local government and the diplomatic service. She requested more information on the extent to which women were represented in the judiciary and public administration.

48. **Ms. Al-Jehani** enquired about discriminatory nationality laws that did not provide for a Mauritanian woman to pass on her nationality to her children, while nationality was granted automatically to a child born to a Mauritanian man. She was aware of the many discussions that had taken place on the subject of amending the relevant legislation and urged the State party to do so as soon as possible. She wondered whether any time frame for amending the legislation had been established.

49. She wished to know what happened in the case of a stateless or foreign father and whether the child of a Mauritanian woman living abroad could have Mauritanian nationality. A foreign woman married to a Mauritanian man could obtain Mauritanian nationality once she had lived continuously in Mauritania for 5 years, yet a foreign man married to a Mauritanian woman acquired that right only after living there for 10 years. Would the proposed amendments ensure that the same rules applied to both sexes? She

asked whether there were other obstacles to obtaining nationality and what measures had been adopted to counter them. Did foreign husbands and wives have to renounce their nationality of origin before becoming a naturalized Mauritanian citizen? She wondered whether a distinction was made in Mauritanian law between nationality of origin and nationality acquired by naturalization and whether all citizens enjoyed equal political rights.

50. **Ms. Mint Elghotob Ould Moma** (Mauritania) agreed that further action was needed to increase women's political representation. Nevertheless, progress had been made and current figures were encouraging, with 30 per cent female representation in parliament, 21 per cent in the National Assembly and 35 per cent in ministerial positions. More efforts were being focused on increasing the number of women in the diplomatic service and change was already happening in the judiciary: there were several female judges and many women lawyers.

51. **Mr. Ould Ramdane** (Mauritania) said that legislation on nationality had been adopted in the 1960s and had reflected the concerns at that time. That legislation had contained provisions prohibiting dual nationality but, since 2010, naturalized Mauritanians had been able to retain their nationalities of origin. All Mauritanian citizens enjoyed the same political rights, irrespective of whether they were born in the country or had acquired Mauritanian nationality through naturalization. Children of stateless or unknown fathers were automatically granted Mauritanian nationality but, on reaching the age of 18, they could choose their nationality. Furthermore, under recent Mauritanian reforms, biometric registrations had been carried out as part of a census, which had brought to light a certain number of Mauritanian children born out of wedlock whose parentage could not be established. A ministerial committee had been set up to determine procedures for registering their births and granting them nationality.

52. **Ms. Al-Jehani** said that her question on amending discriminatory legislation governing nationality remained unanswered. Had a draft bill been prepared and, if so, what was the time frame for its adoption? She wished to know whether a child's status or nationality might be changed under the aforementioned procedures to establish parentage. Her question on whether the amendments to the relevant legislation would ensure that the same rules applied to both sexes had not been answered either.

53. **Ms. Bareiro-Bobadilla** asked the delegation to provide the oral replies they had given in writing within two days, and to include precise data on the number of female ministers, mayors and judges compared with the total number of posts. The data would help the Committee to prepare its concluding observations and recommendations, as there appeared to be discrepancies between the information in the replies to the list of issues and the delegation's oral replies.

54. **The Chairperson**, speaking in her capacity as an expert, requested statistics on the number of refugee women applying for Mauritanian citizenship.

The meeting rose at 1 p.m.

United Nations CEDAW/C/SR.1222

Convention on the Elimination of All Forms of Discrimination against Women

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15 July 2014

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Committee on the Elimination of Discrimination against Women
Fifty-eighth session

Summary record (partial)* of the 1222nd meeting
Held at the Palais des Nations, Geneva, on Thursday, 3 July 2014, at 3 p.m.

Chairperson: Ms. Ameline

Contents

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined second and third periodic reports of Mauritania (continued)

* No summary record was prepared for the rest of the meeting.

This record is subject to correction.

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The meeting was called to order at 3.05 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined second and third periodic reports of Mauritania (continued) (CEDAW/C/MRT/2-3; CEDAW/C/MRT/Q/2-3 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Mauritania took places at the Committee table.*

Articles 7 to 9 (continued)

2. **Ms. Mint Elghotob Ould Moma** (Mauritania) said that, in an attempt to manage the terrorist threat in the regions bordering the Sahara desert, the Government had established a national register for all citizens including visitors to the country. As for the transmission of nationality, the provisions of the Criminal Code and Act No. 61-112 on nationality provided that any children born to a Mauritanian mother and foreign or stateless father acquired Mauritanian nationality and could renounce their nationality upon reaching the age of 18.

3. In regard to women's participation in decision-making roles and representation at the international level, considerable efforts had been made to facilitate women's access to decision-making bodies and achieve equal representation of women in political and public life. As a result, the number of women in political and public office had increased and there were currently around 20 female members of parliament.

4. **Mr. Ould Ely Telmoudy** (Mauritania) said that the number of Malian refugees in Mauritania stood at around 74,000, a large percentage of whom were women and children. All refugees must register as soon as they entered the country and no refugees had been forcibly returned to their country of origin. The Government continued to take measures to improve the conditions in Mbera refugee camp and worked in conjunction with the local authorities to provide adequate drinking water and sanitation facilities. Health services including a maternity and surgical ward had been provided and refugees also had access to medicines and mosquito nets. Adequate food supplies had been made available and specialized nutrition centres had been set up to prevent and treat malnutrition. In addition, basic education was provided to children. National coordination meetings were held on a monthly basis under the auspices of the Ministry of the Interior and Decentralization to assess conditions and weekly camp meetings were held to address any urgent issues. To date, no refugees had requested Mauritanian citizenship and most preferred to voluntarily return to their country of origin once it was safe enough to do so.

Articles 10 to 14

5. **Ms. Bailey** asked the delegation to provide further information on measures taken and envisaged to significantly increase female literacy; to reduce the school dropout rate among girls owing to, inter alia, poverty, child marriage and early pregnancy; to eliminate economic, social and cultural obstacles to access to education faced by girls, in particular girls of non-Arab descent, and to eliminate stereotypical attitudes about the roles and responsibilities of women and men in textbooks, curricula and teacher training.

6. **Ms. Gbedemah** asked the delegation to confirm whether unregistered children of undocumented migrants had access to education. What efforts been made to implement Act No. 2001-054 on compulsory basic education and enforce the provisions of the Prohibition of Child Marriage Act? Lastly, she wished to know what steps had been taken to devise appropriate educational strategies and curricula which responded to the requirements of the public and private labour market.

7. **Ms. Haidar** requested further information on the protection and types of legal, social and other services available to women in the informal sector and measures taken at the school and university level to ensure that women joined the private and public sectors. She also wished to know what measures had been envisaged to reduce the wage gap between women and men as well as the occupational segregation of women in the public and private sectors and to increase the number of women in decision-making positions. Would the State party consider introducing a specific law on sexual harassment to guarantee women's safety and protection in the workplace?

8. **Ms. Nwankwo** asked what specific measures had been envisaged to further address the persistently high rates of maternal mortality, the high number of cases of vesico-vaginal fistula, the lack of access to basic health-care services, including essential obstetric care, and the social and economic obstacles faced by women of non-Arab descent to gaining access to health services.

9. She wished to know whether the draft strategy for health and reproductive health of young people had been finalized and, if so, when it would be implemented. What measures would be taken to increase the availability and accessibility of comprehensive education on sexual and reproductive health and family planning services, particularly for Malian refugees and adolescent girls, and the rate of contraceptive use? Similarly, she requested further information on the implementation and impact of the 2011–2015 national strategic plan to combat HIV/AIDS and the measures taken to increase women's knowledge with regard to prevention of HIV/AIDS. Lastly, she enquired as to the legal status of abortion in Mauritania and asked whether rape, incest and foetal impairment would be introduced as grounds for abortion.

10. **Mr. Diakité** (Mauritania) said that Act No. 2001-054 of 19 July 2001 on compulsory basic education provided for six years of basic education and expenditure on education accounted for around 15 per cent of public spending. The Government had recently devised a new national education policy which aimed to improve the overall quality of education and regular school inspections were carried out. A training scheme for teachers in rural and remote areas had been introduced and school meals and scholarships were provided to disadvantaged pupils. Steps had also been taken to eliminate gender stereotypes and breakdown gender segregation in tertiary education and initiatives to encourage girls to study traditionally male-dominated subjects such as science and mathematics had been launched.

11. **Mr. Ould Ramdane** (Mauritania) said that women were disadvantaged as far as employment was concerned. A number of steps had been taken to remedy the situation, and progress was being made, but it had to be kept in mind that nearly all working women worked in the informal sector, which accounted for a very large share of the State party's economy. In that sector, women created microenterprises, often in their homes. Small shops, hairdressing salons, sewing workshops and even computer training schools were among the most commonly created such businesses. Those businesses were not officially registered, however, and in their determination to keep them off the tax rolls the women who created them were unwitting participants in their own exclusion from the formal labour market.

12. In recent years, the authorities had taken steps to promote access to the labour market. For example, there were now vocational training centres accepting both boys and girls in nearly all the regional capitals; the effects of the establishment of those centres could be seen in women's greater access to the labour market. Although the rates of women in employment were still very low overall, they were beginning to find positions in such sectors as agriculture, retailing, information technology, the civil service, animal husbandry, fishing, mining and transportation. Until quite recently, women had been almost entirely absent from many of those sectors. Many positions held by women were in the

informal sector, but the State party, together with its international partners, was working to address the problems posed by the size of that sector. A social security system specific to the informal sector was being developed, but only gradually, as the sudden introduction of such a system would in all likelihood lead to a good deal of unemployment in a sector that employed large numbers of women.

13. Turning to pay disparities, he said that in the public sector equal pay for men and women was the norm; in the private sector, if a woman was more productive than a man, she would be paid more.

14. **Ms. Mint Elghotob Ould Moma** (Mauritania) said that the data provided to the Committee had been updated since 2010. The point was to show that there had been improvement, not to suggest that the State party was satisfied with the progress that had been made. She also said there was no discrimination against girls of non-Arab descent in Mauritania. Everyone, regardless of origin, had the same rights.

15. Regarding access to schooling, she said that there was nothing preventing a parent from enrolling a child in school. Parents who had failed to register the births of their children needed only to register them for the children to enrol in school, and children without parents could be registered with the help of a judge and then enrol.

16. It was true that educational curricula needed to be re-examined to ensure that they met the needs of the job market. The recently opened vocational training centres would enable their graduates to find employment in positions that suited them. Initiatives to help those students to find jobs had also been given funding. Training centres catering specifically to women's needs were available to women who had never gone to school or who had dropped out at an early age. The aim was to facilitate access to the labour market for those women, and for that purpose funding to help them create businesses had been put at their disposal.

17. **Mr. Telmoudy** (Mauritania) said that the poverty reduction strategy paper, the blueprint for economic and social development in Mauritania, involved four main priorities: growth, poverty reduction, the development of human resources and basic services, and governance. The paper had been revised since its initial conception, and another priority had been added: to combat HIV/AIDS and ensure that prevalence rates remained below 1 per cent.

18. A number of steps had also been taken to reduce the maternal mortality rate, and although the rate was still high — 626 deaths per 100,000 live births in 2011 — it had fallen from 930 deaths per 100,000 live births in 1990. Current rates of maternal mortality were unjustifiably high, but they could be explained by the much higher rates of earlier years and the distance that the country had thus had to travel. In that connection, in 2011 the percentage of deliveries that were assisted was nearly twice that of 1990. That increase and the reduction of maternal mortality were correlated. Government budgets were indicative of the seriousness with which the authorities were working to reduce the rates of maternal mortality. In just one year, for example, the budget of the Ministry of Health, as a share of the entire national budget, had increased considerably. In addition, a presidential initiative had been taken in an effort to ensure that the Millennium Development Goals regarding maternal health and child mortality and HIV infection rates were attained. As part of the initiative, an autonomous task force that focused exclusively on the achievement of those Goals had been set up and allocated considerable resources.

19. The aim of the State party's reproductive health policy was to ensure the availability of basic and emergency reproductive health care, personnel qualified to assist with deliveries, medical care in the event of complications and contraceptives. The policy also addressed female genital mutilation, infertility and HIV/AIDS. A related event, the

National Reproductive Health Week, was sponsored by the First Lady. The first class to enter the State party's first medical school would also be graduating in 2014.

20. Another development was the introduction of an insurance scheme for women. The aim was to pool risks. For a modest sum (the equivalent of roughly €14), the scheme would give women access to a comprehensive range of medical services relating to pregnancy. The insurance scheme had contributed greatly to the considerable increase in the percentage of assisted deliveries. Mother-to-child transmission of HIV and problems relating to obstetric fistulas were also being addressed.

21. In its efforts to achieve its goals in respect of maternal health, child mortality and HIV/AIDS, malaria and other diseases, the State party had invested considerable sums in equipping hospitals and health centres, providing neonatal services, acquiring ambulances and distributing malaria tests and mosquito nets. Special aid had also been given to villages selected by community health-care workers in the five regions most severely affected by child and maternal mortality.

22. Regarding the national strategy for child survival, he said that it was not a strategy specific to Mauritania. It had been adopted with success in such countries as Ghana and Benin, and it was expected to contribute to a reduction of child mortality in Mauritania as well.

23. The fight against HIV/AIDS in Mauritania was overseen by a high-level National Commission to Combat AIDS. Antiretroviral therapy was available, and considerable resources had been allotted to the prevention of mother-to-child transmission. Overall HIV prevalence rates in the State party were comparatively low; however, those rates varied considerably from one region of the country to another.

24. **Ms. Mint Boide** (Mauritania) wished only to add that combating maternal mortality required a multisectoral approach. The mere existence of health infrastructure did not suffice. For that reason, the Government had trained local women to relay information about the health services available to the members of their communities.

25. **Ms. Zou** Xiaoqiao said that because Mauritania had offered no information on the subject, she wished to know more about legislation and policies concerning women's access to credit. She also wished to know what problems women faced in that respect and what efforts the Government had made to help women gain access to credit. She requested data on the share of bank loans granted to men as compared to women. She was pleased to note the Government's efforts regarding microfinance but wondered what steps had been or would be taken to expand the limited coverage of the microfinance system in order to ensure that more women, in particular those from disadvantaged groups, enjoyed the clear benefits of that system.

26. Turning to the retirement age, she noted that men in Mauritania retired at age 60 and women at 55. She wondered whether women's pensions reflected the fewer years that they spent in the workforce. If that five-year difference resulted in income differences, what would be done to narrow the gap? Lastly, she wished to know the extent to which women, particularly those from disadvantaged groups or remote regions, were involved in cultural activities. Were there limitations to their participation in cultural or social activities or sports? Had libraries or cultural centres giving women the opportunity to take part in such activities been established?

27. **Ms. Pomeranzi** said that she understood that the problems facing women in Mauritania were more severe still for the 70 per cent of Mauritanian women living in rural areas of the country. She knew that the Government was aware of the situation, as the periodic report itself had noted that ownership of land was still problematic, even though no law discriminated against women in that regard. The Committee was especially concerned

about the situation of women from the Haratine community, who were not only rural but also nomadic. They worked for their masters in oases in the north of the country and were slaves in all but name. In 2009 the Government had developed a plan to improve the situation of women in rural areas. She thus wished to know what the plan had achieved, especially with respect to the situation of women from the Haratine community and from the minority groups in the south of the country. Did rural women face multiple forms of discrimination? What steps had been taken in view of their plight? How had the Government dealt with the situation in respect of access to credit and landownership?

28. **Ms. Mint Elghotob Ould Moma** (Mauritania) said that men and women had equal access to microcredit and enjoyed equal treatment by banks. Interest-free credits would be granted to women during the current year to help them to establish small businesses and the amounts granted could be increased in future years. A bill that was expected to be passed later in the year would make the retirement age and pension the same for men and women. With regard to property rights, land lots had been distributed to vulnerable families and many women had become landowners in recent years.

29. **Mr. Tourad Ould Abdel Malick** (Mauritania) said that Mauritanian law ensured universal access to landownership, with no discrimination against women or minorities. Haratine women were not enslaved; they were remunerated for their work in the informal sector.

30. **Ms. Al-Jehani**, recalling that the Convention stipulated equality between men and women in both the public and private domains, called on Mauritania to review its specific reservation concerning article 16. In the Committee's concluding comments, the State party had been urged to accelerate its reform of civil and family law to ensure equal rights. She would appreciate further details of the follow-up to the State party's 10-year study of the implementation of the Personal Status Code referred to in the replies to the list of issues and asked what practical measures had been and would be taken to bring civil and family law into line with the requirements for gender equality set out in the Convention and the Constitution. Recognizing that the family unit was valued highly in sharia law, she said that gender equality must be strengthened in the private realm in order to promote it in the public realm. Forty-three per cent of Mauritanian women married before the age of 18 and a large percentage before the age of 15. The State party should consider ways of ensuring that marriage was in the interest of the persons in question and not their guardians or parents. What urgent legal steps were being taken in order to deal with the dangerous situations that resulted from cases of child marriage? She also highlighted the link between forced marriage and slavery. In many cases, marriages to foreigners or civil marriages were not recognized. Was that an attempt to stop women from marrying or a negative result of their submission to the rule of guardians? Lastly, the civil status law should be amended so that the right of women to enjoy and dispose of property freely, in keeping with both the Convention and sharia law, was upheld.

31. **Mr. Ould Ramdane** (Mauritania) recalled that the preamble to the Constitution stated that the family was a fundamental element of Mauritanian society and protected by the State. It was also traditional for Islamic States to grant protection to women. Under the provisions of the Personal Status Code relating to early marriage, violations of the minimum age for marriage were subject to criminal penalties. Judges could dissolve early marriages if they were against the wishes and interests of the female spouse and award compensation. Women had rights over their own personal property and were free to leave up to one third of their assets to an individual of their choice in their will if they so wished. Moreover, the Code stipulated that a man could not prevent his wife from working, studying or travelling. Mauritania was trying to respect contemporary realities; women constituted more than half of the population and their potential could not be overlooked. Procedures would be established to apply the Personal Status Code in law and in practice.

With regard to the reservation concerning article 16, he said that the country was moving towards equal rights but must respect social and cultural trends and move gradually to change mindsets.

32. **Ms. Al-Jehani** said that many other countries governed by sharia law had advanced family rights and Mauritania should do the same. She emphasized her concerns over the prevalence of early marriage despite the law against it and said that the State party must look at how the law was applied. She would appreciate details of the results of the revision of family law which had been discussed for more than 10 years.

33. **Mr. Ould Ramdane** (Mauritania) said that the study of the Personal Status Code had shown that it was not fundamentally problematic. The law worked in two ways — it either adapted to the needs of society as it evolved or it encouraged society to move forward — but it had to conform to the realities of Mauritanian society.

34. **Ms. Mint Elghotob Ould Moma** (Mauritania) said that the early marriage statistics that had been cited were out of date. Current figures were much lower and efforts were being made to further reduce them. Her Government was working towards withdrawing its general reservation to the Convention, but required time in order to do so without contradicting sharia law. Mauritania was a moderate Sunni country and Islamic teachings did not fundamentally limit freedoms. However, the extremist elements that could arise from Islam did, and must be combated.

35. **Ms. Gabr** said she recognized that Mauritania was committed to sharia law. While it was true that the country had made progress, she hoped that it would continue to study best practices in other Sunni Muslim countries, most of which had adopted the Convention without reservations.

36. **Ms. Al-Jehani** said that there was no contradiction between sharia law and the rights of women. She emphasized the importance of openness and reiterated that there were many best practices to study. While social and cultural issues should be taken into account, the country must nevertheless move forward. What was being done to inform and educate people in order to create a forward-looking attitude without sacrificing the basic tenets of Islam?

37. **Mr. Traoré** (Mauritania) welcomed the opportunity to have such constructive dialogue in a spirit of openness and thanked the Committee for its cooperation. The process highlighted the progress made since the previous meeting with the Committee, as well as the challenges that remained. Considerable measures had been adopted to eliminate discrimination against women, which had made it possible to improve women's status and give men and women an equal stake in development. However, the moral and customary principles of Mauritanian society sometimes lagged behind the principles of the Constitution and the Convention, leading to legislative inconsistencies. The education that people received was not always sufficient to allow them to embrace change. The Government would continue to focus on the empowerment of women and the elimination of gender-based violence. Mauritania was committed to pursuing reforms for the protection and promotion of human rights; the replacement of the general reservation with express reservations represented some progress in that respect. Lastly, he noted that the Government looked forward to receiving assistance from the international community for the implementation of the Committee's recommendations.

38. **Ms. Mint Elghotob Ould Moma** (Mauritania) said that her Government would continue to work to change mindsets and eliminate the obstacles to the full enjoyment of rights by women.

39. **The Chairperson** thanked the delegation for the information provided during the day and the efforts made to respond to the Committee's questions. She was pleased to hear

that the previous meetings with the Committee had facilitated progress and that there was a focus on combating discrimination and violence. While the removal of the general reservation was positive, the Committee would be grateful if the State party would also consider removing its specific reservations. Lastly, she noted the concern relating to technical assistance.

The discussion covered in the summary record ended at 5.00 p.m.

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Committee on the Elimination of Discrimination against Women
Fifty-eighth session

Summary record of the 1223rd meeting
Held at the Palais des Nations, Geneva, on Friday, 4 July 2014, at 10 a.m.

Chairperson: Ms. Ameline

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Combined second and third periodic reports of the Syrian Arab Republic

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention *(continued)*

Combined second and third periodic reports of the Syrian Arab Republic (CEDAW/C/SYR/2; CEDAW/C/SYR/Q/2 and Add.1)

1. *At the invitation of the Chairperson, the delegation of the Syrian Arab Republic took places at the Committee table.*

2. **Ms. Al Shammat** (Syrian Arab Republic) said that the Syrian Constitution protected women's rights and guaranteed the equal treatment of men and women before the law. The fact that the Syrian Arab Republic had signed all the international treaties relating to women was a clear indication of the importance the Government attached to the rights of women. The Government was committed to ending discrimination against women in all sectors and had already made significant progress towards achieving that aim in the judiciary. The Syrian Commission for Family Affairs had been responsible for drafting the periodic report currently under consideration (CEDAW/C/SYR/2). The information contained in the report was based on qualitative and quantative data collected from various State entities concerned with the advancement of women. Non-governmental organizations had also provided input for the report.

3. Since the beginning of the conflict, in March 2011, around 6 million people had been internally displaced. The Government was working with the Syrian Arab Red Crescent and civil society organizations to provide humanitarian assistance in all regions of the country. However, armed terrorist groups often thwarted efforts to provide such assistance by targeting convoys transporting supplies and civil airports. Those armed terrorist groups did not respect international treaties, international law or human rights. Moreover, they believed that women were inferior and that they had no rights, and often targeted civilians. They committed criminal acts such as abduction, rape, murder and the mutilation of corpses. All those groups were linked to Al-Qaida and included foreign combatants of many different nationalities. Those groups received support from both Middle Eastern States that did not recognize human rights and from Western States that claimed to support democracy and human rights.

4. The State had taken a number of measures to protect the Syrian families affected by the conflict. Female heads of household in particular received special support. All female employees of governmental institutions were continuing to receive their salaries and benefits despite the fact that such institutions were often targeted by armed terrorist groups. The Government also paid compensation to the victims of terrorist attacks. Under the Syria Humanitarian Assistance Response Plan, the Government had launched a number of programmes aimed at providing women, particularly female heads of household, with access to income-generating activities.

5. Women could stand for all political and administrative posts. It should be noted that the current Vice-President of the Syrian Arab Republic was a woman. Moreover, the People's Assembly had 30 female members and a woman currently chaired the Higher Commission for Syrian Relief. On the occasion of the International Day for the Elimination of Violence against Women, the Ministry of Social Affairs had organized a workshop aimed at defining the role of Syrian women in the peace process.

6. Pursuant to a recommendation made by the Committee on the Rights of the Child, the Government had strengthened the Syrian Commission for Family Affairs, which was its national machinery for the advancement of women. The Commission was in the process of setting up the Family Protection Unit, which was to begin operating in October 2014. The Government had modified curricula at all levels with a view to raising awareness among

students of women's rights and eliminating stereotyped concepts of the roles of women. The modified curricula covered rights such as the right of girls to education; to choose their profession; to choose their husband; to equal opportunities in employment; to equality in rights and duties in society and within the family; to equality before the law; to medical care; and to access to family planning services. Cooperation agreements had been concluded with the Ministry of Justice with a view to propagating a culture of law that would serve to correct prevailing beliefs about women and to raise awareness of their rights. A series of seminars, conferences and lectures aimed at raising the public awareness of the need to eliminate such stereotypes had also taken place.

7. The provision of article 508 of the Criminal Code exempting rapists from punishment if they married their victims had been repealed and replaced by a provision prescribing a prison sentence of at least 2 years to rapists, even if they married the victim. Furthermore, a rapist who married his victim had to be retried if he terminated the marriage or a divorce was granted in favour of the victim within five years of the marriage, including the sentence served by the rapist. Article 183 of the Criminal Code had also been amended to explicitly criminalize corporal punishment. Many Syrian women had been the victims of violence committed by armed terrorist groups. In addition, the Wahhabi and other fatwas (*takfiri*) denouncing people as unbelievers permitted sexual violence against women under *jihad al-nikah* commonly known as "sexual jihad". Individuals found guilty of perpetrating any form of violence against women were prosecuted and punished. Female victims of violence could seek refuge in care centres, where they had access to health-care services and could undergo rehabilitation with a view to their social reintegration. Many female victims of sexual violence perpetrated in the name of sexual jihad were being cared for in such centres. In addition, the Ministry of Health had converted health-care centres into emergency centres.

8. The Government had organized a series of seminars intended to raise public awareness of the Convention, as well as activities aimed at capacity-building of national institutions working with women and children. It was difficult to carry out a preliminary assessment of the extent of gender-based violence in the country because such matters were not normally spoken of under prevailing social customs and traditions, and many false accusations were made in that connection to achieve political ends. However, the Ministry of Social Affairs, in cooperation with the United Nations Population Fund, was endeavouring to carry out a preliminary assessment of the situation of displaced women and to identify the problems affecting them.

9. Civil society organizations also played a vital role in providing humanitarian assistance to citizens in areas where armed terrorist forces were present. They also monitored human rights violations committed against women and children, and provided assistance to victims of such violations.

10. The committee established under Legislative Decree No. 941 had amended legislation on nationality dating from 1969 so that both Syrian men and women could pass on their nationality to any children born of a marriage with a non-Syrian national. Furthermore, under Legislative Decree No. 49 of 2011, Syrian nationality had been granted to Syrian Kurds registered as foreigners. Upon reaching the age of 18 Syrian Kurds who had not been registered with the civil registry could be listed on their father's record under a special procedure. The Government had taken measures to ensure that Syrian nationals of both sexes were provided with identity documents, especially in areas where armed terrorist groups had destroyed civil records.

11. Unfair economic sanctions had had an adverse effect on the lives of women and children, as they had undermined the effectiveness of international poverty reduction initiatives, as well as that of education and health-care services. The Israeli occupation of the Syrian Golan was, in itself, a human rights violation. The Israeli forces exploited water

resources, levied high taxes, forced children to perform hazardous work and had confiscated agricultural land, forcing Syrians to work in Israeli factories. Moreover, Syrian women were frequently subjected to insults and harassment, and Syrians living in the occupied Syrian Golan were prevented from seeing their families. The Syrian Arab Republic was committed to peace in the Middle East but that aim could only be achieved through the full withdrawal of Israeli forces from occupied Syrian Golan.

Articles 1 to 3

12. **Ms. Haidar** said that the conflict in the Syrian Arab Republic had taken a heavy toll on the civilian population and on women in particular. United Nations Security Council resolution 2139 (2014) had called for all parties to put an end to all forms of violence and to allow the delivery of humanitarian assistance to all civilians. Protecting civilians should remain the highest priority on the ground. Furthermore, women should participate in all negotiations aimed at restoring the country's sovereignty. It was necessary for the peace and reconciliation process to be as inclusive as possible if it was to be successful.

13. **Ms. Patten** said that war crimes and crimes against humanity were becoming commonplace occurrences in the Syrian Arab Republic. She asked whether the State party had considered drawing up a four-year action plan for implementing the Committee's concluding observations. She recalled that, under the Convention, the State party was required to protect women's rights and to promote substantive gender equality before, during and after conflict. The Committee had received reports that the Government, army and police routinely violated the human rights of civilians. There were reports of women and girls being raped at checkpoints and during house searches and incursions, and of women and children being tortured in places of detention by Government forces. She would be interested to hear the delegation's views on those reports and to know of the measures the State party was taking to protect women and girls from sexual violence and to give effect to the recommendations of the Independent International Commission of Inquiry on the Syrian Arab Republic on the protection of civilians. She also asked why the State party had rejected the recommendations made by the Human Rights Council in the context of the universal periodic review.

14. **Ms. Šimonović** said that the Convention applied both in times of peace and in times of conflict. The fact that the State party had still not withdrawn its reservations to the Convention, particularly to article 2, impeded its effective implementation. She asked whether the State party planned to withdraw its reservations to the Convention in the near future and whether it intended to ratify the Optional Protocol so that the Committee could conduct an independent inquiry into the situation of women in the Syrian Arab Republic. She also wished to know: whether the State party had considered drafting new legislation to address gender-based discrimination specifically; how many cases of sexual violence it had documented; and what compensation had been paid to victims of such acts.

15. **Ms. Pires** said that the Committee's general recommendation No. 6 called upon States parties to strengthen their national machinery for the advancement of women and to ensure that it had adequate resources to advise on the impact on women of all government policies, to monitor the situation of women comprehensively, and to help formulate new policies and effectively carry out strategies and measures to eliminate discrimination. In the current context of armed conflict, there was a clear need for robust, dynamic and effective national machinery to protect and advance women's rights in the Syrian Arab Republic. She asked why the position of head of the Syrian Commission for Family Affairs had been downgraded from a ministerial position to a senior administrative position. Noting that the current mandate of the Syrian Commission for Family Affairs to advance the status of women in their capacity as family members could serve to reinforce the stereotype of women as childbearers, she asked whether the State party planned to update the

Commission's mandate to make it an independent, high-level authority for the promotion of women's rights. Lastly, she wished to know whether the State party had taken steps to evaluate the impact of the National Strategy for the Advancement of Women and whether it had adopted a strategy to address the negative impact of the crisis on women.

16. **Ms. Al Shammat** (Syrian Arab Republic) assured the Committee that the Government supported all Syrians, irrespective of their background and allegiance and had not been involved in alleged human rights violations on the ground. It was working to address the obstacles to women's full participation in the peacebuilding and reconstruction process.

17. **Ms. Akkach** (Syrian Arab Republic) said that the new Constitution adopted in 2012 established a transitional period of three years for the amendment of laws that were not concordant with its provisions, including any discriminatory articles. The committee established to oversee the reforms had already submitted recommendations to the Government. New laws had been promulgated to address conflict-related violence against women and existing laws would be aligned with the Convention's provisions as part of the reform process.

18. **Ms. Mahmoud Alasmar** (Syrian Arab Republic) said that the Committee's recommendations would be transposed into workplans that would be duly implemented. She assured the Committee that its Government would cooperate fully, as it had done in the universal periodic review process and in reviews before other treaty bodies, including the Committee on the Rights of the Child in 2011.

19. She had been part of a team that had visited various Government-run prisons and detention centres to check the adequacy of medical provision and absence of rape, torture and other forms of violence against women. If desired, she could provide documentary records of those visits that would allow the Committee to verify that due process was observed and laws relating to female prisoners were respected. Figures, names and telephone numbers could be made available, if needed, attesting to the Government's commitment to transparency and accountability. The new laws promulgated during the crisis criminalized acts of sexual violence against children and women without distinction, whether committed by civilians, military officials, police officers or soldiers.

20. From 2011 to 2014, the Syrian Commission for Family Affairs had formed part of the Ministry of Social Affairs. In early 2014 its budget, responsibilities and autonomy had been extended and its title adjusted to reflect those changes. Under its new title, the Commission for Family and Population Affairs, it continued to work with the Ministry of Social Affairs and the United Nations Development Programme to evaluate the effects of the crisis on women and develop appropriate policies for addressing them.

21. **Ms. Al Shammat** (Syrian Arab Republic) said that she too had been involved in visits to detention centres to follow up on allegations of rape by government security forces. Her team had found no female detainees in any of the facilities concerned.

22. **Ms. Essa** (Syrian Arab Republic) said that, having met with around 3,000 detainees in Syrian State-run prisons and investigated numerous alleged violations, she could personally attest to the existence of appropriate health care and absence of torture. She had also been able to verify that women had been promptly brought before the legal authorities and that those found not to have engaged in serious criminal activity had been released. She had, however, been informed of acts of violence against women in Homs, Al Hasakah, Latakia and Damascus that should not be allowed to go unpunished.

23. The Government had adopted a truth and reconciliation strategy based on the model deployed in South Africa. Components of the model included the Ministry of National Reconciliation, national reconciliation committees and the Syrian Women's Initiative for

Peace and Democracy, a committee of 15 elected officials representing Syrian women, including representatives of opposition parties. The aim of the Initiative was to ensure that women had a central role in guiding Syria towards peace. The Initiative had drafted a workplan and formulated a number of demands, one of which was that women must account for no less than 40 per cent of all teams and committees engaged in the negotiation process.

24. Tolerance and trust would be the guiding principles of the reconciliation process. However, tolerance did not mean that women and children would be denied the right to justice; the authorities were firmly committed to ensuring that those who had committed crimes against the Syrian people should be punished. Rehabilitation would be a priority, nonetheless. The war had changed the stereotypical roles of women as they were called on to assume a role in ending the crisis and protecting the social fabric and integrity of their country.

25. **Ms. Haidar** asked what the State party was doing to ensure that bureaucratic obstacles did not prevent humanitarian aid from reaching those in need. Noting that the government teams had visited only official prison facilities and that even the International Committee of the Red Cross had been unable to access unofficial places of detention, she highlighted the need to ensure that alleged offences committed by the security forces were duly investigated. Lastly, expressing concern that the antiterrorism law could potentially limit the freedom of human rights activists, given the manner in which it was being enforced, she asked the delegation to clarify the 60-day pre-charge detention rule.

26. **Ms. Patten** asked for information about measures taken to implement specific recommendations made in connection with the universal periodic review, including, the recommendation to address allegations of involuntary disappearances, arbitrary arrests and the routine use of torture, amongst other violations, contained in paragraph 102.8 of the Report of the Working Group on the Universal Periodic Review (A/HRC/19/11). She also asked whether any action was being taken in relation to rejected recommendations, including the recommendations to abolish legislative provisions that granted State officials immunity from prosecution and to allow access to international media, independent media and diplomats.

27. Noting that an update issued by the Independent International Commission of Inquiry on the Syrian Arab Republic in June 2014 had referred to cases of abduction of women and girls by members of pro-government militias and of women detained at checkpoints ending up in official detention facilities, she asked what was preventing the Government from issuing command orders prohibiting the use of sexual violence and holding security officers accountable for such actions, in accordance with United Nations Security Council resolution 2106 (2013). Would the Government consider granting independent, impartial observers, including the experts of the Committee, access to Syrian detention facilities in which women and girls were held?

28. **Ms. Halperin-Kaddari** expressed concern that the new Constitution established sharia and Islamic jurisprudence as legitimate sources of law while at the same time guaranteeing gender equality, and that discriminatory provisions, such as mitigated sentencing for honour killings and the exception for marital rape, had not been eliminated. She sought an update on progress towards withdrawal of the State party's reservations to articles 2 and 16 of the Convention, which appeared to have stalled.

29. **Ms. Šimonović** asked the delegation to clarify the obstacles to withdrawal of the reservations.

30. **Ms. Pires** asked what findings the evaluation of the impact on the crisis on women had produced and whether they were being used to develop a comprehensive strategy for dealing with the effects. The Committee's general recommendation No. 30 on women in

conflict prevention, conflict and post-conflict situations would provide a useful reference for such a strategy. She sought more details about the National Strategy for the Advancement of Women and any efforts to evaluate its impact, and about the role of the new Commission for Family and Population Affairs and how it would ensure that due consideration was given to issues affecting women as individuals and not just as mothers.

31. **The Chairperson**, speaking in her capacity as an expert, urged the State party to address the pressing issues of violence against women, obstructions to the delivery of humanitarian aid and access to and redress for victims.

32. **Ms. Al Shammat** (Syrian Arab Republic) said that the State party had received less than 25 per cent of the aid pledged to it. Food aid received had generally been sufficient. However, insufficient aid had been received to improve security services and the protection of women and children, prompting the Government to lobby the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Ms. Valerie Amos, for increased aid. Bureaucracy was an impediment to the delivery of aid but the activities of the armed terrorist groups were also a major obstacle. Humanitarian convoys had frequently been commandeered at checkpoints and roadblocks by gangs looking to assume responsibility for aid distribution. In some cases the donors had subsequently been unable to ascertain the fate of the deliveries. The United Nations convoys that had crossed into Syria from Turkey had reached their destination, but only after significant delays. The Government had assured the Secretary-General of the United Nations and Ms. Amos that it was doing its utmost to ensure the safe arrival of aid but it was not in control of all roads and entry points.

33. A central component of the transitional justice plan was to ensure the organization of fair trials. Members of the Cabinet and the judiciary had been urged to treat all cases of rape as a war crime and to ensure that perpetrators were never immune from sanction. However, reports of rape at army checkpoints and abuse of human rights defenders had not been substantiated.

34. The Minister of Justice and the Ministry of Foreign Affairs had indicated that all reservations to the articles of the Convention, including article 2, would be lifted in the near future.

35. **Ms. Kuteit** (Syrian Arab Republic) said that the war had inflicted huge damage on the country's previously cohesive family structures, forcing countless women to assume the role of head of household after losing their husbands and sons. Those women were increasingly gaining the skills and confidence to rebuild the lost cohesion and stability. The National Association for Women's Role Development was working to empower women throughout Syria, running nurseries for children, shelters and rehabilitation and vocational training centres to help mothers enter employment and adjust to the realities and necessities of the new era. The reform of laws that discriminated against women was another important part of that process.

36. **Ms. Essa** (Syrian Arab Republic) said that the National Strategy for the Advancement of Women was a very ambitious plan which sought to integrate the efforts of the State sector and civil society. In implementation of the strategy, the Syrian Women's Initiative for Peace and Democracy was working in partnership with the Ministry of Social Affairs and the Ministry of Labour to ensure that health and food supplies reached those most in need, including those who supported the armed conflict, irrespective of their affiliations, views and convictions. It was also working to document all violations perpetrated against children and women in regions that were hotspots during the conflict and, in the months ahead, would be running awareness-raising activities on tackling violence against women, working to raise funds from non-government donors, and looking to establish women's centres in every governorate to provide direct assistance. It had

established mobile "tent" schools for children in Syria, and electronic schools that were also able to cater for children living in refugee camps in Turkey and Jordan.

37. **Ms. Mahmoud Alasmar** (Syrian Arab Republic) said that the security forces had been instructed not to hold women under the 60-day antiterrorist detention rule and to refer any woman suspected of a terrorism-related offence directly to the competent authority. The definition of terrorism under Syrian law was unambiguous. It related solely to acts that led to material or physical injury and did not regulate expressions of opinion or acts of incitement.

38. She assured the Committee that general recommendation No. 30 had been translated into Arabic and that training courses to raise awareness of its content, as well as of the content of the Security Council resolution, were in the pipeline. She also offered assurances that the Commission for Family and Population Affairs was careful to develop targeted strategies for specific population segments, such as children and the elderly. It did not use uniform strategies that focused solely on women's roles as mothers without recognizing their rights and needs as individuals.

39. **Ms. Patten** said that the Committee had received independent reports of acts of torture and ill-treatment, including sexual violence, rape and abduction against women by armed opposition groups. The Government should take steps to prevent, investigate, punish and ensure redress for those acts, in line with the Committee's general recommendation No. 30.

40. She requested further details of measures adopted to implement Security Council resolution 1325 (2000) and subsequent Security Council resolutions on women, peace and security, specifically to incorporate a human rights and gender perspective into the peace efforts and develop a national action plan. She also requested an update on progress made since the November 2013 workshop organized by the Ministry of Social Affairs on the theme "Syrian women as the key to peace".

41. She enquired about action taken to prevent enforced displacement and protect the human rights of internally displaced women and girls. Was the State party willing to provide space for United Nations agencies and international and national non-governmental organizations to find ways of meeting the needs of internally displaced persons, women and children and other groups with specific needs?

42. **Ms. Haidar** asked about the inclusiveness of the peace and reconciliation process and why the National Strategy for the Advancement of Women had not yet been implemented, despite having been adopted in 2006. While appreciating the information provided on the situation of women in the State party since 2011, she would like to hear more about the period of stability between 2007 and 2011. She wished to know how the law on combating terrorism was being implemented and emphasized the need for civilian rights to be protected.

43. **Ms. Šimonović** said that she would like to see the documentation collated by the Government on cases of sexual violence. She welcomed the news of the State party's intention to withdraw its reservations to the Convention and asked when it might ratify the Optional Protocol. Did the Minister of Social Affairs personally believe that women were adequately represented in the peace and reconciliation process?

44. **Ms. Al Shammat** (Syrian Arab Republic) agreed that the United Nations was not receiving enough information on acts of violence and other human rights violations perpetrated by armed opposition groups. Many invitations had been extended to United Nations agencies and treaty bodies; however, most had been declined because of security concerns.

45. With regard to progress made since the workshop on Syrian women as the key to peace, she said that without real changes taking place on the ground any resolutions would remain empty words. The recommendations of the Geneva Conference on Syria (Geneva II) had become guidelines and been translated into an action plan, based on Security Council resolution 1325 (2000).

46. There had been no failure on the Government's part in protecting the 6.2 million internally displaced persons. In the areas under the control of the Islamic State of Iraq and Al-Sham (ISIS) and other armed groups, widespread violations were taking place and hundreds of girls had committed suicide because they had been forced into marriage. They were relying on the assistance of local communities and civil society organizations still working in the affected areas, and training had been organized on evacuation procedures. She reiterated the Syrian Arab Republic's appeal to the United Nations, as a major partner, to play a key role in helping evacuate women when armed conflict erupted because, to date, the Syrian Armed Forces had been managing evacuations single-handedly.

47. Four of the nine-member peace process delegation were women, which she considered to be adequate female representation. She regretted the failure of the Geneva II talks, but stressed that the solution to the conflict must be purely Syrian.

48. **Ms. Mahmoud Alasmar** (Syrian Arab Republic) said that the Government was protecting civilians from violence perpetrated by armed groups and was cooperating with United Nations and civil society organizations, notably in information exchange. Specific assistance was being provided to women who used to live in areas controlled by armed groups.

49. The events unfolding in Syria had stalled implementation of the National Strategy for the Advancement of Women, but a new strategy was under development that would give hope for change. It would take time to amend laws and adapt to women's new roles as breadwinners and heads of household as a result of the conflict.

50. The authorities were keen to set a 40 per cent quota for women in government posts. Women were represented in the Ministry of National Reconciliation, in the national reconciliation committees within the People's Assembly and in the community-level reconciliation committees. The resolutions adopted by the workshop on Syrian women as the key to peace included a call for even greater women's participation, which was being considered.

51. **The Chairperson**, speaking in her capacity as an expert, stressed that, in citing United Nations sources and other reports, there had been no intention to apportion blame. The Committee was aware of the scale of the suffering and violence, which called for strong and appropriate responses. She applauded the progress made thus far and underlined that all stakeholders were working together to ensure that all Syrian women were supported in their quest to re-establish their fundamental rights and to be involved in the reconstruction process.

Articles 4 to 6

52. **Ms. Patten** welcomed the target of a 40 per cent quota for women in government posts and encouraged setting a quota for women in the peace negotiations. The Committee had also recommended the adoption of temporary special measures in education and employment and in addressing the needs of some vulnerable groups such as widows, women with disabilities and older women.

53. In the light of numerous reports documenting violations of women's human rights she asked what mechanisms were in place: to ensure access to justice for women and girls; to prevent gender-based violence; to ensure adequate training on gender awareness for the

Syrian Armed Forces and intelligence services; and for capacity-building in the judiciary, including in the context of the transitional justice mechanism, with a view to ensuring its independence, impartiality and integrity.

54. **Ms. Leinarte** said that gender-based violence had been an issue of concern even before the conflict and the situation had worsened since, with the female body becoming a weapon of war, violated in various ways for different purposes. Had any research been carried out to identify the underlying stereotypes that had encouraged such widespread gender-based violence during the conflict? Since negative cultural traditions were the main sources of violence against women, she encouraged the State party to amend existing discriminatory legislation.

55. She commended the setting up of a national observatory to monitor domestic violence and a family protection unit to receive complaints, and the many studies conducted in that area. In that connection she asked about the status of the 2007 bill on domestic violence and why women victims of domestic violence were reportedly discouraged from using, or reluctant to use, shelters provided for them. Lastly, she asked what was being done to reintegrate women who had suffered sexual violence or any other violence during the conflict, especially internally displaced women.

56. **Ms. Gabr** asked whether a national action plan on combating human trafficking had been drawn up, in line with the Palermo Protocol. Had there been any prosecutions against traffickers and were there any trials under way? She wondered what steps were being taken to protect young Syrian girls in Turkey, Jordan or elsewhere from various forms of exploitation. Reportedly human trafficking and trafficking in organs occurred mainly in the camps in Turkey, while child marriages were prevalent in the camps in Jordan. Could the delegation elaborate on reports of forced child labour by both parties in the conflict and that children were being used as human shields?

57. She expressed concern that the amendment to the nationality law allowing Syrian women married to foreign nationals to pass their nationality on to their children did not apply to children born from the sexual jihad and *surah* marriages (girls forced into marriage by parents at an early age to protect their honour). It was unacceptable to punish mothers who had been raped or married in such conditions, and children on account of their fathers; it would lead to a generation of children denied their right to identity. She urged the State party to amend its legislation on the legal age for marriage: the fact it was so low for girls had been exploited in the refugee camps. According to UN-Women, early marriages accounted for over 50 per cent of female refugee marriages in Jordan. What steps were being taken to protect the victims and prevent further violations? Lastly, she requested further information on the *kafalah* (guardian-style adoption system) situation, which had become a serious problem, especially where guardians were free to take their wards abroad.

58. **Ms. Haidar**, noting that the new law on political parties had not included the expected quota for women, said that political systems changed and the transitional period called for special measures; the quota system must be prescribed by law. Coming from a country with 17 different sects, each with their own personal status code, she expressed concern about the effects of sectarian law in the State party, and encouraged it to adopt a civil code without further delay. Furthermore, how did the State party intend to address refugee host countries' claims that they could not enforce their laws in Syrian refugee camps, when Syrian law still permitted early marriage?

59. **Ms. Al Shammat** (Syrian Arab Republic) said that the Syrian Arab Republic was committed to ensuring that women achieved real representation, rather than representation based purely on gender quotas. The law on political parties had been promulgated before the 2012 Constitution and should be brought into line with the Constitution which referred extensively to political pluralism. Some people considered that the current conflict made it

impossible to address the issue of sectarian law. The time was ripe to amend the Personal Status Code with a view to making it more secular; alternatively, an optional civil code could be drawn up in parallel. The issue of sects had been exploited in the Syrian Arab Republic. The fighting was giving rise to human trafficking with foreign fighters being promised beautiful Syrian women if they came to fight. Mechanisms had been established to implement the law on human trafficking, including a national action plan, and centres had been set up to assist victims. Cases of organ trafficking were also being reported to the authorities.

60. As to the situation of Syrian girls trafficked over the border for early and forced marriages, the Syrian Government had tried to contact the authorities in Lebanon, Jordan and Turkey. However, the authorities claimed that they were powerless: the girls were Syrian and subject to Syrian law, but their non-Syrian husbands to the laws of their own countries. The Syrian Government had been working with civil society organizations to monitor the situation of girls and women in the Zaatari camp in Jordan, but establishing communication with the refugee camp in Turkey was virtually impossible.

61. The Government had recently refused requests from families to take children abroad under the *kafalah* system and the "adopting" families had responded that the children would have to return to the special centre set up for the many children deprived of parental care. The centre had excellent resources and respected the children's privacy and the confidentiality of information concerning them. There were currently 300 such children in the centre, in addition to children whose parents had committed terrorist acts.

62. **Ms. Mahmoud Alasmar** (Syrian Arab Republic) said that the possibility of establishing a system to protect and provide support for victims of sexual violence, with the help of civil society organizations, was under consideration. Training would be provided for the judiciary on protecting women's rights and human trafficking issues, and on the provisions of international conventions and the recommendations of the United Nations human rights treaty bodies.

63. She agreed that legislation should gradually be introduced to prohibit honour crimes and punish the perpetrators, and to prohibit the forced marriage of victims of rape to the perpetrators. Many internally displaced and refugee women were reluctant to admit that they were rape victims. Civil society organizations played a key role in reaching out to them, trying to convince them to report the crimes and ensuring they received support.

64. The Government was working towards the elimination of forced child labour, the recruitment of children into the Armed Forces, and early and forced marriages. It aimed to raise the age of marriage to 21 for both women and men, granting exceptions only after the age of 15 for both sexes. Regarding the system of *kafalah*, a new law had been introduced on alternative protection, which would ensure that the best interests of the child were taken into consideration and that all their rights were guaranteed. The aim was to place children in families where possible, rather than in institutions.

65. **Ms. Akkach** (Syrian Arab Republic) said that both men and women had equal access to justice. Any complaint lodged by women about violations of their rights, including sexual violence or rape, was investigated, prosecuted and punished in accordance with the law. Legal costs were minimal and legal aid was available to those with insufficient resources. The Syrian judiciary was fully independent and implemented the legislation in force. The Criminal Code included provisions on acts of violence committed by family members and stipulated that in all cases men and women should be treated equally before the law. Prosecutions were based on medical reports, which could be obtained free of charge.

The meeting rose at 1 p.m.

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Committee on the Elimination of Discrimination against Women
Fifty-eighth session

Summary record (partial)* of the 1224th meeting
Held at the Palais des Nations, Geneva, on Friday, 4 July 2014, at 3 p.m.

Chairperson: Ms. Ameline

Contents

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Second periodic report of the Syrian Arab Republic (continued)

* No summary record was prepared for the rest of the meeting.

This record is subject to correction.

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Second periodic report of the Syrian Arab Republic (continued) (CEDAW/C/SYR/2; CEDAW/C/SYR/Q/2 and Add.1)

1. *At the invitation of the Chairperson, the delegation of the Syrian Arab Republic took places at the Committee table.*

Articles 7 to 9 (continued)

2. **Ms. Leinarte** asked what measures had been taken to promote the use of shelters for women victims of violence and comprehensively address domestic violence in the State party given the exacerbation of violence against women as a result of the conflict. She also wished to know what specific measures had been taken to modify the deep-rooted, negative gender stereotypes of women which hindered the achievement of de facto equality between women and men in the State party. Would research be undertaken to assess and analyse the different forms of violence against women during the conflict so as to establish mechanisms which addressed the negative impact of the conflict on the lives of women and girls, protected them from violence and ensured that the entrenched discrimination against them was not further exacerbated throughout the territory of the State party?

3. **Ms. Haidar** asked for further information on the recent general amnesty granted to prisoners. How many women prisoners had been amnestied and what form had the amnesty taken?

4. **Ms. Al Shammat** (Syrian Arab Republic) said that the Government had worked in partnership with women's organizations to establish national shelters that were readily available and fully accessible to women victims of violence. It had also conducted a range of awareness-raising activities to encourage women to come forward and seek protection. At the present time, many of the women victims of violence had been subjected to violence after they had been handed over to armed groups by male members of their own families.

5. The Government had taken the necessary measures to amend the Criminal Code so that perpetrators of crimes against women during the conflict could be prosecuted and punished accordingly. It also intended to draft a comprehensive national act on violence against women in the near future.

6. **Ms. Essa** (Syrian Arab Republic) said that inaccurate media reports had played a major role in the intensification of the conflict and had given a false impression of the situation on the ground. Members of extremist religious groups had imposed their own discriminatory customary beliefs on residents of areas that lay outside the Government's control. Several independent studies had been carried out on the impact of the ongoing hostilities on women and she would provide the Committee with data on their results at a later date.

7. The Government had taken a series of measures to combat negative gender stereotypes in schools, such as promoting gender equality in primary and secondary school textbooks and incorporating lessons on human rights into the national school curriculum. Universities continued to function despite the ongoing conflict and women made up 50 per cent of the total number of university students. The Government was aware that coordinated action was required at the national level in order to combat negative gender stereotyping and efforts had been made in partnership with civil society organizations to address discriminatory customary law.

8. The Government had taken a number of measures to protect women human rights defenders and to ensure that women could continue to play a key role in political life. It was wrong to suggest that the Syrian army had used air strikes and improvised explosive devices against the civilian population; its sole aim during the conflict had been to restore peace to the country.

9. **Ms. Al Shammat** (Syrian Arab Republic) stressed that no amnesty had been granted to perpetrators of sexual violence against women in the context of war.

10. **Ms. Akkach** (Syrian Arab Republic) said that between 35,000 and 40,000 prisoners had benefited from the amnesty decrees that had been enacted in recent years, including a large number of women.

11. **Ms. Patten** asked the delegation to provide further information on the number of women human rights defenders detained under the anti-terrorism law of 2012. What steps had been taken to address the disproportionate impact on women of the air strikes with explosive weapons that had been carried out, particularly those involving shrapnel-filled "barrel bombs" in Aleppo and elsewhere, which had been widely condemned by the international community?

12. **Ms. Al Shammat** (Syrian Arab Republic) said that the Government had not carried out any air strikes against residential areas of any kind, much less with so-called barrel bombs. In fact the military had taken great pains to avoid any combat in residential areas, and the presence of civilians was a reason why it had been unable to bring the war to an end. The Government worked with the Red Crescent Society to ensure that no fighting occurred in civilian areas, which were considered to be any place where there were women and children.

13. The city of Aleppo had been under siege by armed groups and cut off from the rest of the country, which had prevented the Government from getting assistance to its inhabitants. In various districts of Adra', armed groups that had entered the country had used civilians as human shields, which had also prevented the Government from intervening to protect the civilian population.

14. **Ms. Mahmoud Alasmar** (Syrian Arab Republic) said that her delegation could provide detailed up-to-date data on the many accredited human rights defenders who were known to the Government in writing. The amnesty referred to earlier covered women and young offenders, who fell under the jurisdiction of juvenile courts and were placed in institutions run by civil society organizations. Steps had also recently been taken to establish a rehabilitation centre for women and young offenders to ensure that they were successfully reintegrated into society.

15. **The Chairperson**, speaking in her capacity as an expert, asked whether the State party had established an emergency plan to protect the lives of women and children during the conflict given its obligation, as outlined in general recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations, to apply the Convention in all crisis situations, including during conflict.

16. She wished to know what measures had been taken or were envisaged to incorporate a human rights and a gender perspective into the peace and reconstruction efforts in the State party. She also enquired as to whether the Government had taken steps to ensure the effective and meaningful participation of women and women's organizations in preparations for a peace process, peace negotiations and post-conflict reconstruction as well as in elections at all levels. Lastly, she asked whether specific measures had been taken to protect women human rights defenders and NGO workers against reprisals.

17. **Ms. Al Shammat** (Syrian Arab Republic) said that, despite the war, rural and underprivileged women had taken an active part in the June 2014 presidential elections and

that measures had been taken to ensure that women could freely exercise their right to vote without interference from male family members. The Government had always been a proponent of women's right to participate in political life and it fully intended to involve them in the peace process, take steps to further empower women and girls and expand their role in society. Women held prominent positions in a number of political parties and two had run in the presidential elections. Although the country was many years away from electing a female president, a shift in the general attitude towards women in politics was under way. Women human rights defenders were not punished for their activism; however, the Government did issue warnings to those who made baseless or misguided accusations on television.

18. **Ms. Haidar**, noting that the right to nationality was a fundamental pillar of human rights, without which no other rights could be enjoyed, said that there was an urgent need to amend the Nationality Act to ensure that women enjoyed the right to pass on their nationality and children were not left stateless. The issue was particularly pressing given the prevalence of women who had given birth to children as a result of *jihad al-nikah*, or what was commonly referred to as sexual jihad, and were unable to pass on their nationality. She asked what was being done for Syrian Kurdish refugees fleeing the conflict who did not have passports or other identity documents. What steps had been taken to ensure that the nationality of children born to Syrian mothers in refugee camps was duly recognized? She invited the delegation to comment on reports that opposition supporters living abroad were being denied the renewal of their passports.

19. Turning to the issue of women's employment, she asked why so few women made up the labour force and requested additional information on women in the informal and agricultural sectors. She also sought clarification of reports that a large number of workers had been unfairly dismissed in Al-Suwayda'.

20. **Ms. Al Shammat** (Syrian Arab Republic) her Government was not awaiting the end of the war to tackle the crucial issue of nationality. Efforts had been under way to bring all national laws into conformity with the Constitution, which stipulated that all citizens had equal rights. Everyone was entitled to challenge laws that violated those rights before the courts, including the right to nationality. The proposed amendments to the nationality law currently pending had been held up because the draft had contained conditions that were not equal for all citizens. The Government was seeking to enact laws that would address war-related phenomena such as victims of sexual jihad and children born in camps and conflict zones.

21. Syrian Kurds were granted the right to nationality under legislation adopted in 2011. They were part and parcel of Syrian society. The Government was well aware of their need for appropriate identity documents. It was incumbent on it to protect Kurdish women, including in areas dominated by armed groups. The Government was also working to streamline the naturalization process. Lastly, the Ministry of Foreign Affairs and Expatriates was tackling the problem of passport renewal, including for human rights defenders living abroad, and all Syrian nationals were free to return whenever they wished.

22. Turning to the question raised about dismissals, she said that the workers in Al-Suwayda' had been dismissed because they had been absent from work without justification for more than the maximum period stipulated by law. She did not have any specific data on the number of women involved, but would inquire into the dismissals and whether there had been any discrimination and provide the Committee with the findings in writing.

23. **Ms. Essa** (Syrian Arab Republic) said that some Syrians might encounter difficulties in renewing their passports because they lived in countries without a Syrian diplomatic presence, but all nationals who wished to return to the country were welcome, provided that

it was not for the purpose of undermining the State. She stressed that many of the population's current hardships were attributable to international sanctions, which were preventing the country from returning to normality.

Articles 10 to 14

24. **Ms. Al-Jehani** asked how the Government continued to ensure that all nationals, including refugees and internally displaced persons, had access to education despite the war and whether it would recognize any education that refugees might receive while abroad. She encouraged the State party to repeal the discriminatory provisions that contributed to unequal educational attainment among men and women.

25. **Ms. Neubauer** commended the State party on the progress achieved in women's health prior to the conflict. However, the Committee was now concerned at the disruption of health-care services, the deliberate destruction of medical infrastructure and the increase in maternal and infant mortality rates as a result of the hostilities. In that light, she asked what emergency measures the Government was taking or considering to ensure access to health care, including sexual and reproductive health care and psychological assistance for women, especially survivors of violence. She also asked what efforts were being made to address women's lack of autonomy in decision-making regarding their sexual and reproductive health. She wished to know what measures the Government was taking to stem the rise in early marriages among internally displaced persons and refugees. Drawing the delegation's attention to the Committee's general recommendation No. 24, she asked whether the State party intended to amend its strict abortion laws to authorize the termination of pregnancies resulting from rape, abuse and incest and to rescind punitive measures against women who sought abortions.

26. **Ms. Al Shammat** (Syrian Arab Republic) said that the Government had taken the necessary measures to guarantee access to education despite the conflict and ensure that all children were enrolled in school regardless of whether they came from refugee families.

27. **Ms. Mahmoud Alasmar** (Syrian Arab Republic) said that an Internet-based initiative would be launched in 2015 to enable children living abroad to follow the Syrian curriculum and that a system had been set up to help children forced to change schools because of the conflict to make their transition as seamless as possible. Programmes were also in place to enable women who had married and given up their educational career at an early age to resume their studies.

28. **Ms. Al Khatib** (Syrian Arab Republic) said that hospitals continued to provide a breadth of services, which remained free of charge despite the mass destruction of medical infrastructure, the targeting of health-care professionals and the lack of medicine and equipment. In addition, information on sexual and reproductive health issues was being provided to the public.

29. **Ms. Al Shammat** (Syrian Arab Republic) said that the Government was providing medical services and running vaccination campaigns in conflict areas, with the support of the Red Crescent Society.

30. **Ms. Haidar** asked how the State party could ensure that an entire generation, including refugees in host countries, would not grow up without attending school. She asked how many schools had been destroyed and how many had been used as refugee centres. She sought clarification of reports that schoolchildren had been interrogated in school about their parents' political beliefs.

31. **Ms. Al Shammat** (Syrian Arab Republic) said that several thousand schools had been destroyed, and that nearly a thousand others had been turned into shelters. There were children in certain hotspots who were afraid to go to school because they were being

interrogated about their parents' political allegiances by members of the Islamic State of Iraq and Al-Sham (ISIS). The teachers were from the same regions as the students and were also threatened by ISIS. Her Government shared the same concerns as the Committee and did not wish to see an entire generation miss out on an education. Children from internally displaced families were issued the appropriate documents to receive medical care and certify that they were indeed enrolled in school. The authorities were highly concerned by the current situation and strongly believed that children, particularly girls, should be in school.

32. **Ms. Mahmoud Alasmar** (Syrian Arab Republic) said that teachers in the governorates in the eastern part of the country were paid double the regular salary as an incentive to recruit teachers to the area and remedy the shortage of staff.

33. **Ms. Pomeranzi** noted that the approximately 5 million women living in rural areas had been particularly marginalized even before the outbreak of the current conflict. She also noted that the State party's report had referred to a series of initiatives taken between 2007 and 2011 to train and support rural women and wished to know what had become of the management of those projects and how they were being implemented. Given that women living in rural areas were being disproportionately affected by the conflict, she asked whether initiatives addressing the situation of rural and other vulnerable women had been planned and whether the representation of rural women in regional institutions and mechanisms would be increased, in accordance with Security Council resolution 1325 (2000), to enable them to participate in their own rehabilitation and empowerment.

34. **Ms. Mahmoud Alasmar** (Syrian Arab Republic), noting that she herself came from a rural area, said that before the war there had been programmes, run with the support of international partners, for the empowerment of women and rural development. One such programme, sponsored by the First Lady, had targeted 233 of the poorest villages, and many of its projects had been led by women. However, it was largely impossible to say how many women had benefitted from the programme, as the relevant documents had been burned. Some rural areas remained hotspots, but in Al-Raqqah Governorate, for instance, the Government had partnered with the Food and Agriculture Organization to distribute gardening kits, particularly to women. Many rural women had become sole breadwinners when their husbands had left them to take up arms, and some had become involved in prostitution. The Government was able introduce empowerment programmes to women in the governorates of Al-Suwayda', Tartus and Latakia, which were considered relatively safe and enjoyed a relatively wide range of services.

35. **Ms. Kuteit** (Syrian Arab Republic) said that US$ 200,000 had been earmarked to help rural women, that they had been granted soft loans and that they had received training on how to run micro-enterprises. In addition, campaigns to eradicate illiteracy and empower rural women had been mounted, especially in the northern and eastern areas of the country; however, armed groups had been targeting those very areas, which were considered the country's breadbasket. As a result, the Government, in cooperation with civil society, had formulated a plan that would encourage women in rural areas to start their own businesses and to market their own produce, thus empowering those women and responding to the attacks on rural areas.

36. **Ms. Halperin-Kaddari** wished first to emphasize the close connection between the formal legal situation and conflict-driven sexual violence. She noted that the legal framework that permitted child marriage, which would be more accurately described as rape masquerading as marriage, legitimized those marriages to the point that neighbouring countries hosting Syrian refugees were apparently considering allowing such forced marriages. Turning to the issue of child custody, she acknowledged that the issue of Syrian women who were unable to pass their nationality on to their children and who thus found themselves trapped had already been discussed, but she noted that such women were not the

only ones who were trapped. Many divorced women, for instance, were in similar situations, as the custody of children, pursuant to a discriminatory article of the Personal Status Law, was customarily awarded to the father or to a male member of the father's family. Yet another discriminatory article of the Personal Status Law prevented even married women from travelling with their children without the father's consent. All those provisions were detrimental to women attempting to flee with their children.

37. Regarding impunity for sexual offenders, she said that she was aware of the supposed amendment to the article of the Penal Code that still recognized mitigating circumstances for so-called honour killings and wished to know whether that article had indeed been amended. In addition, there were lesser punishments for rapists who married their victims and the definition of rape in the Penal Code did not include marital rape. Those provisions contributed to the ongoing sexual exploitation of women and girls, especially in refugee camps. Those issues, as well as polygamy, still legal in the State party, had been dealt with in the Committee's previous concluding comments, but they had become even more urgent now. In that connection, she asked whether the Syrian Government had made any efforts to implement the previous concluding comments. In addition, she requested that the State party should treat honour crimes like any other crimes and wished to know what specific steps the Government had taken to discourage honour killings. She likewise wished to reiterate the Committee's request for data on convictions and sentences regarding honour crimes. She asked whether the Government intended to take measures to ensure that girls, especially refugees, were not coerced into marriage, to amend the provisions of the Personal Status Law regarding child custody, and to repeal the provisions allowing for mitigating circumstances for rapists who married their victims. Lastly, was the Government intending to repeal the section of the Penal Code that excluded marital rape from its definition of rape?

38. **Ms. Akkach** (Syrian Arab Republic) said that, a decree of the Ministry of Justice had been issued with a view to amending the discriminatory articles of the Personal Status Law. In particular, the law would be amended to raise the minimum age for marriage to 21. For boys, it had already been raised from 13 years of age to 15. Regarding custody, she said that in recent years, there had been a large number of cases in which mothers had been awarded custody of their children. After the initial custody period, children were asked whether they preferred to stay with their father or their mother. In addition, the law did not prevent mothers from travelling to safer areas with their children, especially if it was necessary to save their lives.

39. **Ms. Neubauer** said that most of her questions, especially those regarding women's reproductive health, had not been answered. She therefore asked again whether the Government intended to review its legislation with a view to eliminating legal restrictions on abortion in cases of rape or incest and to remove punitive provisions imposed on women who had abortions.

40. **Ms Šimonović** requested additional information on the initiative to have rape made a war crime in war zones. What were the expected results of that initiative? She also said that she was concerned by the delegation's frequent references to sexual jihad and to the children of sexual jihad, as such references tended to stigmatize those children from the outset. Children should start their lives without stigmatization, and it was thus necessary to choose one's words with great care.

41. **Ms. Al Shammat** (Syrian Arab Republic) said that while rape was not a ground on which abortion was permitted, no case of abortion performed as a result of rape had ever come before the courts. Nor was abortion ever compulsory, not even in the case of young women under the age of 18 who became pregnant as a result of what were known as *al-nikah* or jihadist marriages. Such persons were free to decide whether they wished to keep their baby or not. If they chose to keep the child, they were provided with comprehensive

care until term and assistance to help them to reintegrate into society. The authorities made every effort to ensure that the care for such women was confidential and no information was released to their family members.

42. A law defining rape in conflict zones as a war crime would soon be enacted. Efforts were also being made to raise awareness among the police about female victims of human trafficking coming from war zones.

43. **Ms. Mahmoud Alasmar** (Syrian Arab Republic) said that in deciding custody cases judges considered above all the best interests of the child. In many cases, custody had been awarded to the mother. In general, children were placed in the custody of the mother until the age of 18 in accordance with recent legislation on the rights of the child. A family council supervised custody arrangements, and in some cases related matters could be brought before a religious judge.

44. Regarding reproductive health, she said that the Government, together with civil society, was piloting a comprehensive health-care project, including reproductive health, in temporary residential areas in Homs and Damascus. If the pilot succeeded, it would be replicated elsewhere.

45. **Ms. Al Shammat** (Syrian Arab Republic) said that Syrian women had suffered greatly and that the State party could not afford them greater protection unless the world put up a united front against terrorism. They would continue to suffer if Arab countries and the West did not stop sending money and weapons to the armed groups.

46. **The Chairperson** said that although it had clearly and tragically worsened the plight of Syrian women, the conflict alone was not at fault. She reminded the delegation that it had acknowledged as much when it mentioned the difficulties of implementing the Convention, which, together with restoration of the rule of law, struck the Committee as the most effective bulwark against extremism and the necessary condition for lasting peace.

The discussion covered in the summary record ended at 5.05 p.m.

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Committee on the Elimination of Discrimination against Women
Fifty-eighth session

Summary record of the 1225th meeting
Held at the Palais des Nations, Geneva, on Monday, 7 July 2014, at 10 a.m.

Chairperson: Ms. Neubauer (Vice-Chairperson)

Contents

General discussion on girls' and women's right to education

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In the absence of Ms. Ameline, Ms. Neubauer, Vice-Chairperson, took the Chair.

The meeting was called to order at 10.05 a.m.

General discussion on girls' and women's right to education

Welcoming remarks

1. **The Chairperson** said that although the idea of elaborating a general recommendation on girls' and women's right to education had first been endorsed in July 2012, the Committee had not managed to adopt a concept note until February 2014 because of the large number of recommendations in the pipeline. The number of responses received from stakeholders showed that enthusiasm for the recommendation was shared outside the Committee. Throughout the Committee's history, concerns over the various components of girls' and women's right to education, as enshrined in article 10 of the Convention, had been raised repeatedly in dialogues with States parties, in concluding observations and in general recommendations. The recommendation would be instrumental in guiding States parties in meeting their obligations to respect, protect and fulfil the right to education of women and girls.

Opening remarks

2. **Ms. Pillay** (United Nations High Commissioner for Human Rights) said that, in recent decades, the international community had largely reached consensus on the importance of available, accessible, acceptable and high-quality education as the route to women's empowerment, and on the need to eliminate discrimination against women in the field of education. As the deadline for the Millennium Development Goals was approaching, there had been a general reduction in gender disparity in schools, one of the targets of the Goals; however that trend masked the pockets of shocking inequalities in a number of States and regions where women were still underemployed, underpaid and otherwise undermined in fields ranging from personal autonomy to participation in politics, and continued to carry unequal domestic burdens and endure great violence. The continuing imbalance of power between the sexes in the public domain underscored the fact that education had not significantly addressed the strategic needs of women as a group, partly due to entrenched patriarchal systems and harmful gender stereotypes.

3. The primary concern must be to advance the right to education in order to facilitate the rights and strategic needs of girls and women; to encourage educational institutions to eliminate harmful stereotypes regarding the traditional roles of women and men; to promote girls' right to make free choices about their fields of study and careers; and to further girls' enjoyment of rights in their personal lives and in political and economic domains. As two thirds of the over 35 million girls not in school were from minority groups, continuous efforts were required to ensure that all girls attended school. Many were excluded because of economic disadvantage, location or personal status. Girls were far more likely than boys to perform hours of unpaid work in the home and less likely to be enrolled in school. Parents, teachers and counsellors often did not support girls' academic participation vigorously, which made it more likely that they would drop out. Even inside schools, girls could find themselves subjected to violence or harassment and have a pervasive sense that they did not belong there.

4. An effective response to such challenges must build on a human rights approach, engaging all stakeholders in the educational process, including government officials, teachers and administrators, parents and community leaders. The right to education should embrace the rights within education, i.e. human rights should be embedded in all processes and personnel of the education sector, and through education, i.e. girls should be learning personal and leadership skills that promoted effective participation in public life.

5. She cited an advocate for women's empowerment who once noted that the human race was like a bird with two wings: if one wing was broken, no one could fly. The failure to respect the right of girls and women to education violated their rights as human beings and, furthermore, breaking one of the two wings that kept societies moving forward held everyone back.

6. **Mr. AlMuzaini** (United Nations Educational, Scientific and Cultural Organization (UNESCO)), speaking on behalf of the Director-General, said that UNESCO was fully engaged in the process of elaborating the general recommendation. Gender equality was in fact one of two global priorities of the UNESCO Medium-Term Strategy for 2014–2021. In education, gender equality was a basic human right and a precondition for the realization of all other human rights: it empowered girls and women and had a multiplier effect, unlocking other rights, whereas the infringement of other human rights and perpetuation of poverty were compounded by its denial. The general discussion and the general recommendation could not come at a better time given that global discussions on education for the post-2015 development agenda had been intensified. The recommendation should be based on lessons learned, with a view to addressing the systemic and persistent challenges that hampered girls' and women's education. Since a rights-based approach to education depended upon regulatory and institutional coherence, he also called for a uniform and comprehensive legal framework that took into account Education for All goals and the roles of various government departments in achieving those goals.

7. The 2015 Education for All goals, Millennium Development Goal 3 and the newly proposed education targets under the post-2015 development agenda would not be achieved if girls' and women's right to education was not fulfilled. UNESCO stood ready to share its years of experience in promoting, monitoring and implementing the right to education under its Convention against Discrimination in Education and to work with the Office of the United Nations High Commissioner for Human Rights and the Committee Working Group on Girls' and Women's Education towards the adoption of the general recommendation.

8. **Ms. Poirier** (United Nations Children's Fund (UNICEF)) said that her organization's new policy towards gender went beyond supporting the achievement of high-quality education for all by emphasizing the need to end gender-based discrimination and address discrimination against women in power structures. That would mean not only ensuring equal access but also developing the capacity of education systems to recognize and address gender-based discrimination and empower girls to participate in decision-making and to claim their right to education.

9. Over half of the 57 million children of primary school age not in school were girls, with significant barriers to primary and secondary education, including curricula and teaching practices that failed to incorporate a gender perspective, gender-based violence, harmful traditional practices and inadequate and unsafe environments, and educational systems that did not reach the most vulnerable and at-risk children, especially those who had dropped out of school. Early marriage and teen pregnancies also represented barriers, especially in sub-Saharan Africa and South Asia. UNICEF had taken steps under the United Nations Girls' Education Initiative towards the abolition of school fees, girls' scholarships and stipends and advocacy and programming for inclusive education for children with disabilities and poor, indigenous, ethnic and linguistic minority groups.

10. In sub-Saharan Africa, UNICEF had played a major role in advocating for readmission policies to keep pregnant girls and young mothers in school, while the Back to School Campaigns had returned millions of girls to school. Keeping girls in school required parents, community members, educators, policymakers and partners to consider larger gender issues. UNICEF had therefore worked with governments, partners, community leaders and boys to raise awareness about gender stereotypes. Empowerment and inclusion

in education, however, must be based on a comprehensive framework, ranging from early childhood development to second-chance education for school dropouts. UNICEF had also supported corporate mentoring programmes that had enabled girls to make informed career choices and actively participate in the economy by developing competitive skills in traditionally male-dominated fields such as engineering, mathematics and technology.

Introduction of the general recommendation on girls' and women's right to education

11. **Ms. Bailey**, speaking as chairperson of the Working Group on Girls' and Women's Right to Education, said that article 10 of the Convention had previously been very narrowly interpreted. In most instances, information provided by States parties had focused primarily on the right to education, while they had failed to assess capacity and access to education adequately; periodic reports had often been totally silent on ways in which patriarchal attitudes were entrenched in schools, exposing girls to an environment which could be physically, emotionally and sexually abusive; and, although some 60 million girls per year at or on their way to school had been affected by sexual abuse, the issue often went unreported by States parties, only surfacing in the constructive dialogue when raised by the Committee. Schools could be major contributors to the phenomenon known as hegemonic masculinity and to submissive femininity. Although the Committee had consistently raised questions about inequalities in employment and decision-making, the periodic reports submitted to it often did not draw an explicit link between those inequalities and gender bias in school curricula, textbooks and pedagogic approaches as well as the gender stereotypes that schooling tended to reproduce.

12. Even if improving girls' and women's access to education satisfied a basic human right, it was less successful in shifting their subordinate position in the private and public sphere. Rather than challenging patriarchal structures and systems, schooling all too often reinforced the social order and maintained sex-based discrimination and societal power structures. If education was to be the vehicle for women's empowerment and for a better balance in the distribution of power between the sexes, States parties must give greater attention to all dimensions of schooling.

13. The aim of the general recommendation was thus to address and ultimately eliminate national and regional inequalities preventing women and girls from enjoying the right to education and rights within and through education. It would also establish clear linkages with other articles of the Convention as well as existing general recommendations dealing with related concerns.

Keynote speakers

14. **Mr. Singh** (Special Rapporteur on the right to education) said that everyone was entitled to the right to education, boys and girls alike, and to benefit from it as a means of empowerment through the acquisition of knowledge, values, competencies and skills. All States parties to the Convention were required to respect, protect and fulfil women's rights in the field of education, as covered under article 10.

15. The general recommendation should urge States parties to incorporate international obligations on girls' and women's right to education into their national legal frameworks in accordance with the Convention. It was the responsibility of Governments to develop and implement policies aimed at enabling all women and girls deprived of an education to be able to exercise their rights to high-quality education on an equitable basis. The general recommendation and existing general recommendations and relevant articles of the Convention should also form a nexus of ideas.

16. He fully supported incorporating a human rights-based approach to girls' and women's right to education into the general recommendation, as their education should be

considered a human right rather than as a benefit to them, their family or their society. Governments should also be encouraged to foster a school environment protective of girls' and women's right to education. In addition, the right to education should entail incentives to girls and women to develop their talents and creativity through technical and vocational education. Similarly, while placing literacy for all at the heart of basic education, Governments must devise policies and strategies linking literacy to skills development so as to ensure that literacy programmes would become transformative. The general recommendation should not neglect the concept of rights holders and duty bearers and should focus on the monitoring and accountability mechanisms which were vital for addressing the gap between commitments and reality. Lastly, it should encourage States to guarantee access to justice to ensure that the right to education was duly enforced.

17. **Ms. Godefa** (United Nations Children's Fund) said that girls' education was one of the best investments that a country could make and the defining challenge of the modern age was keeping girls in school. The challenge was considerably more complex than in the past, since targeted attacks on girls, conflicts and disasters were preventing girls worldwide from accessing a good education in safe learning environments. Getting girls into school was only half the battle, while other issues included: addressing the disparities and cumulative effects that poverty and location placed on girls; ending the violence in and around schools; recognizing and tackling sexual abuse in school; understanding parents' fears and helping them to protect their daughters; investing not only in primary but also in secondary schools; and increasing funding to target girls excluded from school. There was a strong link between educating women and girls and positive outcomes for maternal health, economic empowerment and social mobility. Education provided girls and women with a sense of social freedom and human rights and led to more equitable and sustainable development by changing attitudes and building confidence. The general discussion should translate into tangible action: it was up to those present to empower and protect girls and women and encourage leaders to have zero tolerance for the education systems failing women and girls, and to come up with inventive solutions.

18. **Mr. Muñoz** (Plan International) said that Plan International had launched a campaign entitled "Because I am a girl" aimed at affording girls access to education and to the skills they needed to transform their lives and their communities.

19. School access alone did not offer any guarantee of equality in education. On the contrary, gender stereotyping, threats to girls' emotional security and curricula that were insensitive to gender issues directly conspired against the realization of the right to education. The difficulties encountered by girls in accessing education often stemmed from irrelevant learning materials and the absence of a rights-based approach to education. Those difficulties were often aggravated by other types of exclusion linked to disabilities, ethnic or geographical origin and sexual preferences. The framework of inequality and structural discrimination that underlay the processes of socialization and perpetuation of gender stereotypes in many education systems also affected boys, who were usually conditioned or induced to adopt intolerant or overtly violent behaviour patterns.

20. To break with education systems of that kind called for a complete overhaul of societies and cultures in order to encourage men and women to live together on an equal footing. As was evident from article 5 of the Convention, the elimination of prejudices and customary and all other practices based on the idea of the inferiority or superiority of either of the sexes or on stereotyped roles for men and women posed the main challenge to identifying new educational and human development policies.

21. Substantive equality would not be achieved simply through the enactment of laws or the adoption of policies which failed to address or even perpetuate inequality between men and women because they did not take account of the existing economic, social and cultural inequalities, particularly those experienced by women. Many of the serious problems

besetting education were not to be found in school systems but in discriminatory environments. That was one reason why certain educational reforms, expected to settle social and economic problems which government authorities had not wanted to tackle, had met with little success. The fact that no country had succeeded in eliminating the gender gap clearly revealed how far educational commitment had fallen short of expectations. It was clear that development had not brought about progress on equality, and inclusion continued to be a privilege.

22. His organization was convinced that the Committee had an important part to play in constructing equal education systems. Girls with disabilities in particular should be given the opportunity to identify their educational, social and cultural needs. There was also a need for States to introduce simple and effective mechanisms to allow children to report any acts of violence committed against them in educational establishments.

23. **Ms. Katsuno-Hayashikawa** (United Nations Educational, Scientific and Cultural Organization), accompanying her statement with a digital slide presentation, said that the number of girls enrolled in primary education had increased by nearly 40 million since 1999 and that the enrolment of girls in lower secondary education had almost doubled in some regions. The quantitative progress achieved in access to education had been made possible by the enhancement of both legal and policy environments that supported education for women and girls at the national and international levels. The work of the Committee complemented and reinforced the Convention against Discrimination in Education by encouraging States to implement gender-responsive policies and practices aimed at increasing access to and improving the quality of education for women and girls. On the occasion of the eighth consultation of Member States on the implementation of the aforementioned Convention, 40 out of 59 reporting Member States had indicated that they had made an explicit reference to guaranteeing the right to education of women and girls or to prohibiting gender-based discrimination in their Constitution, national legislation or specific policies.

24. Many existing strategies and plans to increase access to education for girls and women were based on the five core principles of the right to education and gender equality, namely: non-discrimination; lifelong learning; high standards of equity and a rights-based approach whereby education should be available, accessible, acceptable and adaptable; education that empowered women to participate in the transformation of their communities and societies; and education that facilitated the women's and girls' enjoyment of other social, cultural, economic and political rights. The fact that States had passed laws and developed policies and strategies to achieve that aim showed that they recognized education's potential for transforming the lives of women and girls.

25. However, despite strong political commitment, the latest data on educational trends revealed that there were still many challenges to be overcome before the right of girls and women to education could be fully realized. There were 31 million girls out of school in 2011, 55 per cent of whom were expected never to enrol. In 2011, gender parity had only been achieved in 60 per cent of countries at the primary level and in 38 per cent of countries at the secondary level. Furthermore, women continued to account for two thirds of illiterate adults.

26. Gender inequality in education persisted because barriers to education were not only financial in nature but were also linked to gender-based discrimination driven by social and cultural factors. The increase in incidents of gender-based violence against girls in educational establishments was a growing cause for concern, as it often prevented them from participating in education. Laws and policies aimed at improving access to education for women and girls were not sufficient to ensure the full realization of their right to education. Education's transformative power should be recognized and referred to in the legal and policy frameworks of development sectors such as health, labour and justice to

ensure a coordinated and holistic approach to promoting the right of women and girls to education.

27. **Ms. Khalique** (Teacher of education activist Malala Yousafzai) said that women had been subjected to injustice and unequal treatment for centuries. As a result of gender-based discrimination, many women were deprived of basic human rights, such as the right to education. Girls accounted for the majority of children currently out of school. In Swat District, Pakistan, there were more schools for boys despite the fact that the female population was larger. Most parents were against coeducation. If there was no school for girls in the neighbourhood, girls remained at home. Teenage girls had to be accompanied to school by a male escort. While in developing countries it was socially unacceptable and unlawful for a child not to attend school, in developing countries the opposite was often the case. The Taliban had banned girls from attending school and had blown up many school buildings. Moreover, Taliban leaders used to congratulate girls for having renounced Western education. Talibanization was always successful in patriarchal societies owing to their oppressive treatment of women.

28. Other barriers to girls attending school included poverty, child labour, early marriage, social norms and a lack of basic facilities. Impoverished families that lived from hand to mouth would not think of educating their children. If they could afford to do so, they would send their sons and not their daughters. Many girls were confined to the family home until their parents found them a husband while others performed domestic labour for affluent families. It was quite normal for girls to marry before they had finished school. In Pakistan, social norms did not favour education for girls and women. Many people thought that modern education made girls liberal and vulgar. It was preferable for girls to be obedient and submissive. Education encouraged freedom of thought and gave girls confidence, which men found intolerable.

29. All Governments should adopt legislation to guarantee access to school for all children. Governments also had a duty to provide basic facilities and to ensure the safety of children attending school. Education up to the higher secondary school level should be free and compulsory. In addition, school curricula should broach topics such as gender equality and human dignity.

30. **Mr. Mattar** (The Protection Project, Johns Hopkins University) said that he found article 10 of the Convention to be based on the following core principles: all forms of discrimination must be eliminated to ensure that women and girls received the same quality and type of education and were given the same opportunities to succeed as men and boys; education should be extended beyond the primary and secondary level to all levels, including tertiary, technical and physical education; education should be available and accessible to women and girls living in both urban and rural areas, and to those belonging to disadvantaged and vulnerable groups; the elimination of stereotypical concepts of the roles of men and women in society should be supported by adequate financial resources to allow women and girls to participate in education, and by legislation prohibiting harmful practices such as child labour, child marriage and violence against women; education should facilitate the enjoyment of women's rights in their personal, family, political and public lives.

31. Guaranteeing the right to education was essential for the effective implementation of the entire Convention and in particular articles 6, 15 and 16. Through education, women and girls gained a better understanding of the implications of early marriage, unequal rights and other forms of discrimination against women. Any general recommendation adopted by the Committee should address the five principles outlined above.

32. **Ms. Melchiorre** (Right to Education Project) said that it was only through education that individuals could access and enjoy other human rights, particularly those linked to

personal development, active participation in public life and employment. The violation, denial or distortion of the right to education explained the continuing presence of discrimination, exclusion and disempowerment in the world today.

33. Women and girls who were denied the right to education on the basis of their gender, their economic or social status, or because of the persistence of patriarchal systems, were often led into domestic work, child marriage and early childbearing. Without a good quality education, women and girls faced major difficulties in making their own sexual and reproductive choices and in participating in decisions about family life. The violation of the right to education could also have a detrimental effect on political representation, as illiterate persons, the majority of whom were women, were precluded from standing as candidates in elections. Furthermore, the denial of the right to education often led to the exclusion of women from formal employment, relegating them to the informal sector.

34. The Beijing Declaration and Platform for Action, the Millennium Development Goals and the Dakar Framework for Action on Education for All recognized that education was the key to improving women's health and standard of living, and to increasing their participation in public and political life. Despite the progress achieved by such strategies, the question remained as to why the individual gains achieved by women through education had failed to bring wider gains in the political, economic and social sectors.

35. In order to redress existing discrimination, inequality and injustice, it was necessary to work with those who feared that gender equality would entail the loss of privilege or power and show them that gender equality could bring benefits for all concerned. States should also invest more in secondary and higher education; take measures to keep girls in school; and ensure that the age at which compulsory education ended, the minimum age for marriage and the minimum employment age were coherent and aligned. Secondary education should equip students with skills and training that were relevant to the job market. School curricula should contain a life skills component covering topics such as sexuality, decision-making, rights, gender and power relations. Education was a State responsibility. States should make a clear and firm commitment to allocate the necessary resources to the education of women and girls, which should be reflected in all relevant legal frameworks and policies. While there was no lack of political will to promote the rights of women and girls through education, accountability could only be guaranteed through legal obligations.

Oral statements by stakeholders

36. **Ms. Al-Sada** (Qatar) said that there were still many obstacles to the full realization of the right to education of women and girls, which included poverty, gender stereotyping and a lack of security for women in their communities. To remedy that situation, Governments should enact legislation guaranteeing access to education for women and girls and devise curricula that were tailored to their specific needs. There was also a need for more initiatives to address that problem at the international level.

37. **Mr. Ladois** (France) said that achieving gender equality required girls and boys to be afforded equal treatment in schools and to be given the same opportunities to succeed. While considerable progress had been achieved in providing girls with access to primary education under the Millennium Development Goals and the Education for All goals, around 31 million girls were still not in school. The main obstacles to girls' education included schooling costs, early marriage, a lack of security, sexual violence and gender-based discrimination. Gender-based violence in educational establishments was also a major impediment to girls' education. Gender-based violence could be aggravated by factors such as sexual orientation, social and economic or ethnic background and disabilities. Whether it was sexual, psychological or physical in nature, gender-based violence in educational establishments often went unnoticed and unpunished, which made it

difficult for education authorities to take appropriate action. France would continue to work with UN-Women and UNICEF to combat that phenomenon.

38. **Ms. Košir** (Slovenia) said that greater focus and additional guidance on the right to education would help States parties to meet their obligations under article 10 of the Convention. Noting that education, and especially human rights education, was a key to empowerment, equality, tolerance and the advancement of society as a whole and that women still faced discrimination in employment despite outperforming their male counterparts in education, she urged the Committee to consult the United Nations declaration on human rights education and training and address the role of education in guaranteeing equal employment opportunities when drafting the general recommendation.

39. **Mr. González** (Colombia) said that achieving gender equality in education was one of the six priority areas of social policy in Colombia. The Government was taking specific action to address many of the obstacles, including action to reduce dropout rates, to provide targeted support for disadvantaged girls and women and to attract women into male-dominated occupations such as the military, the police force and medicine.

40. **Ms. Stasinowsky** (Australia) said that the Government of Australia wished to highlight the importance of international law principles in the interpretation of treaty obligations, including the principle that a treaty should be interpreted in good faith in accordance with the ordinary meaning of the terms and in light of its object and purpose. On that basis, it was imperative that the views should include in the general recommendation reflected the interpretation of the relevant obligations as understood by States parties to the Convention and that the approach adopted was consistent with the practices of other United Nations treaty bodies.

41. **Mr. Roekchamnong** (Thailand) said that obstacles to effective implementation of article 10 were often rooted in misconception. The right to equality was often interpreted to mean the right to be treated according to male standards whereas, in truth, there were undeniable differences between men and women that should be given due consideration in all strategies for equality, including equality in education. Noting the interdependence between enjoyment of the right to education and enjoyment of other fundamental rights and freedoms, he called for genuine commitment and action from States parties in order to deliver on the promise of the rights enshrined in the Convention.

42. **Ms. Borg** (Malta) said that female and male students should enjoy the same access to courses, scholarships, grants and continuing education, the same career development support and the same vocational guidance. The Government of Malta had adopted various measures to increase opportunities for women who wished to further their studies, including measures to reduce school dropout rates and the introduction of free childcare and paternal leave to help young mothers.

43. **Ms. Dunlop** (Brazil) said that although the number of Brazilian women who continued their studies at university had risen dramatically and women generally remained in formal education longer than men, women still faced higher unemployment rates and tended to occupy lower-paid, less prestigious jobs. Various education-related goals had been established to address the disparities. The measures adopted in pursuit of those goals were contributing to transformative changes in gender equality and access that were fundamental for the social inclusion of women and men in all aspects of human, social and economic development.

44. **Ms. Govender** (Joint United Nations Programme on HIV/AIDS) said that the development of the general recommendation provided a timely opportunity to reinforce the provisions of article 10 that dealt with health education, specifically education about sexuality and sexual and reproductive rights. AIDS remained the main cause of death among young women in sub-Saharan Africa and young women worldwide had less

comprehensive knowledge about HIV and its transmission than their male counterparts, reflecting the pressing need to address gender inequalities in health education. The general recommendation should therefore emphasize the importance of access to comprehensive, quality education on sexual and reproductive health and State party reports should be monitored for inclusion of that critical dimension.

45. **Ms. Klasing** (Human Rights Watch) said that, in at least 23 countries, schools and universities had been commandeered by military personnel or non-State armed groups, placing girls at risk of harassment, rape and abduction or forcing them to abandon their studies. In the general recommendation, States parties should be encouraged to use the draft Lucens Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict as a guide to good practice. Lack of adequate water, sanitation, menstrual hygiene management and the risk of violence in unsafe toilets also had an impact on girls' attendance. The general recommendation should therefore emphasize the importance of access to safe, clean water, sanitation facilities and hygiene materials in schools.

46. **Ms. McKernan** (Global Initiative for Economic, Social and Cultural Rights), speaking on behalf of 13 NGOs, said that the recent trend towards privatization had worrying implications for the quality, accessibility and affordability of education. Privatization exacerbated gender discrimination, in that girls' education was not viewed as a worthwhile investment. It also fostered a lack of accountability. Quality free public education was a key to demolishing structural barriers to girls' access to education and it was imperative that education should be seen as a public good, not as a commodity.

47. **Ms. Lois** (Plan International) urged the Committee to provide guidance on early childhood education in the general recommendation, noting that timely, comprehensive, gender-sensitive early childhood care and education was of paramount importance in enabling children, and especially girls, to realize their full potential, building the foundations for gender equality and fostering socially inclusive and equitable societies.

48. **Ms. Lee** (International Disability Alliance) said that the right to education was particularly important for women and girls with disabilities, who were subjected to multiple discrimination. In line with the views of United Nations treaty bodies, including the Committee on the Rights of Persons with Disabilities, which considered inclusive education to be the most appropriate means for States to guarantee universality and non-discrimination in the right to education, the general recommendation should expressly advocate inclusive education, calling for a change in the culture, policies and practices of mainstream schools to ensure appropriate accommodation for all students.

49. **Ms. Thompson** (Global Coalition for Human Rights Education) said that human rights education was a key component of a quality education and that a rights-based education provided a pass key for full and equal enjoyment of all human rights. The general recommendation should encourage States parties to place equal rights for women and girls at the heart of educational strategies, to mainstream gender equality in educational content, to translate human rights into educational strategy and practice and to move beyond equal access to education and equality in education to education for equality.

50. **Ms. Valenza** (International Lesbian and Gay Association) highlighted the need to address institutional discrimination against lesbian, bisexual, transsexual and intersex (LBTI) women. Due to rigid societal norms and gender stereotypes, States parties often failed to fulfil their obligations under article 10 in respect of LBTI girls and women, many of whom did not receive comprehensive sexual and reproductive health education, including information about the health aspects of sexuality and intersex variations. The general recommendation should encourage States to review discriminatory laws, promote attitude change and guarantee free educational choices and prejudice-free job opportunities.

51. **Mr. Kofmel** (Autistic Minority International) said that self advocates viewed autism not as something to be prevented or cured but as a neurological difference that was as valid as others and that one of the underlying principles of the Convention on the Rights of Persons with Disabilities was "respect for difference and acceptance of persons with disabilities as part of human diversity and humanity". The general recommendation should expand on the Committee's brief general recommendation on disabled women in the light of the educational provisions contained in the aforementioned Convention, particularly as they pertained to inclusive education, non-discrimination, equal opportunity, accessibility and individualized support. Educational systems that were inclusive of persons with disabilities would be inclusive of girls and women in general.

52. **Ms. de Lavernette** (International Organization for the Right to Education and Freedom of Education) said that the right to education called for a nuanced definition of discrimination which accepted that certain distinctions and, in some circumstances, certain forms of separation were not only legitimate but also necessary. The general recommendation should develop the concept of "qualitative equality", emphasizing the importance of respect for diversity in education.

53. **Ms. Milne** (Global Initiative to End All Corporal Punishment of Children) said that, as the most common form of violence inflicted upon children, corporal punishment was a barrier to accessing education, a source of fear, absenteeism and dropouts, and an impediment to learning. The general recommendation should highlight the human rights imperative of prohibiting corporal punishment in schools and all other settings, and the importance of that prohibition in guaranteeing girls' right to education.

54. **Ms. Awori** (International Women's Rights Action Watch Asia Pacific) said that the general recommendation needed to address the political, cultural and social factors that denied girls the right to education and rendered them more vulnerable to poverty, marginalization, abuse and exploitation. States parties should be required to remove all reservations to the Convention that were based on culture or religion and should be held accountable for any measures that prevented girls and women from enjoying the right to education. The general recommendation should highlight the importance of a comprehensive and quality education that, extending far beyond basic schooling, prepared girls for employment, encouraged empowerment and entrepreneurship and included comprehensive instruction in sexuality, gender equality and sexual and reproductive health.

55. **Ms. Thomasen** (Center for Reproductive Rights) drew attention to two pressing issues that undermined the right to education: mandatory pregnancy testing and the expulsion of pregnant schoolgirls, which reinforced the stereotypical belief that girls had sole responsibility for unintended pregnancies; and the lack of comprehensive sexuality education, which prevented girls from exercising reproductive autonomy. States must take immediate action to eliminate discrimination in schools on the grounds of pregnancy and to accommodate the educational needs of pregnant schoolgirls. In addition, to enable girls to attain substantive equality, comprehensive sexuality education should be a mandatory component of educational curricula.

56. **Ms. Mollmann** (International Gay and Lesbian Human Rights Network) said that members of the LBTI community faced four specific obstacles in education that forced many of them to drop out: gender stereotyping, which fuelled discrimination and abuse; exposure to violence; mandatory gendered dress codes that resulted in sanctions and even expulsion when not respected; and bullying. She urged the Committee to acknowledge the obstacles that LBTI persons faced and include reference to sexual orientation and gender identity in the general recommendation.

57. **Ms. Gella** (European Roma Rights Centre), noting that legal and policy measures had failed to address adequately the negative impact of multiple discrimination and harmful

traditional practices on Roma girls and women, said that the general recommendation should enable States parties to implement the Convention in a way that ensured access to equal, high-quality education for Roma girls and women. States parties should be urged to recognize and respond to the cumulative effects of discrimination on the grounds of gender, ethnicity and other status-determining factors, including their effects on the right to education.

58. **Mr. Hollingdale** (Global Network for Rights and Development) said that the abduction of Nigerian schoolgirls by Boko Haram militants was both a deplorable attack on the victims and part of an uncompromising and intimidating campaign to exclude girls and women from education in general. A firm defence was required as the education of young girls and women was not only a human rights issue for those involved but also a question of development that affected the whole of society. Societies that had greater gender equality and access to decent education for all its citizens tended to be wealthier, happier and healthier than those that discriminated against women and girls and limited access to knowledge.

59. **Mr. Obaidi-Fard** (Organization for Defending Victims of Violence) said that political, religious and racial extremism coupled with cultural disadvantages constituted a major source of inequality and were a huge obstacle to women's education, as had been seen in Iraq, Afghanistan and elsewhere, with girls being abducted on the pretext of protecting them from a corrupt education or forced into early marriages on the grounds that their duties lay in the home. In developed countries the number of ethnic minority girls completing high school was also relatively low, reflecting wholesale discrimination in the education system. The general recommendation should address extremism as a barrier to education and the role of education as the ultimate tool for empowering women.

60. **Ms. Stevens** (Sierra Leone) said that the statements attested to the clear and persistent obstacles to enjoyment of the right to education. Country-specific initiatives entailing national action plans and oversight were required to overturn them. Role models should also be used to address cultural attitudes and gender stereotypes and demonstrate the role that educated women and girls could play in society.

61. **The Chairperson**, noting that time constraints precluded the planned question and answer session, assured those present that all issues raised would be examined by the working group and taken into consideration in the drafting process.

The meeting rose at 1.15 p.m.